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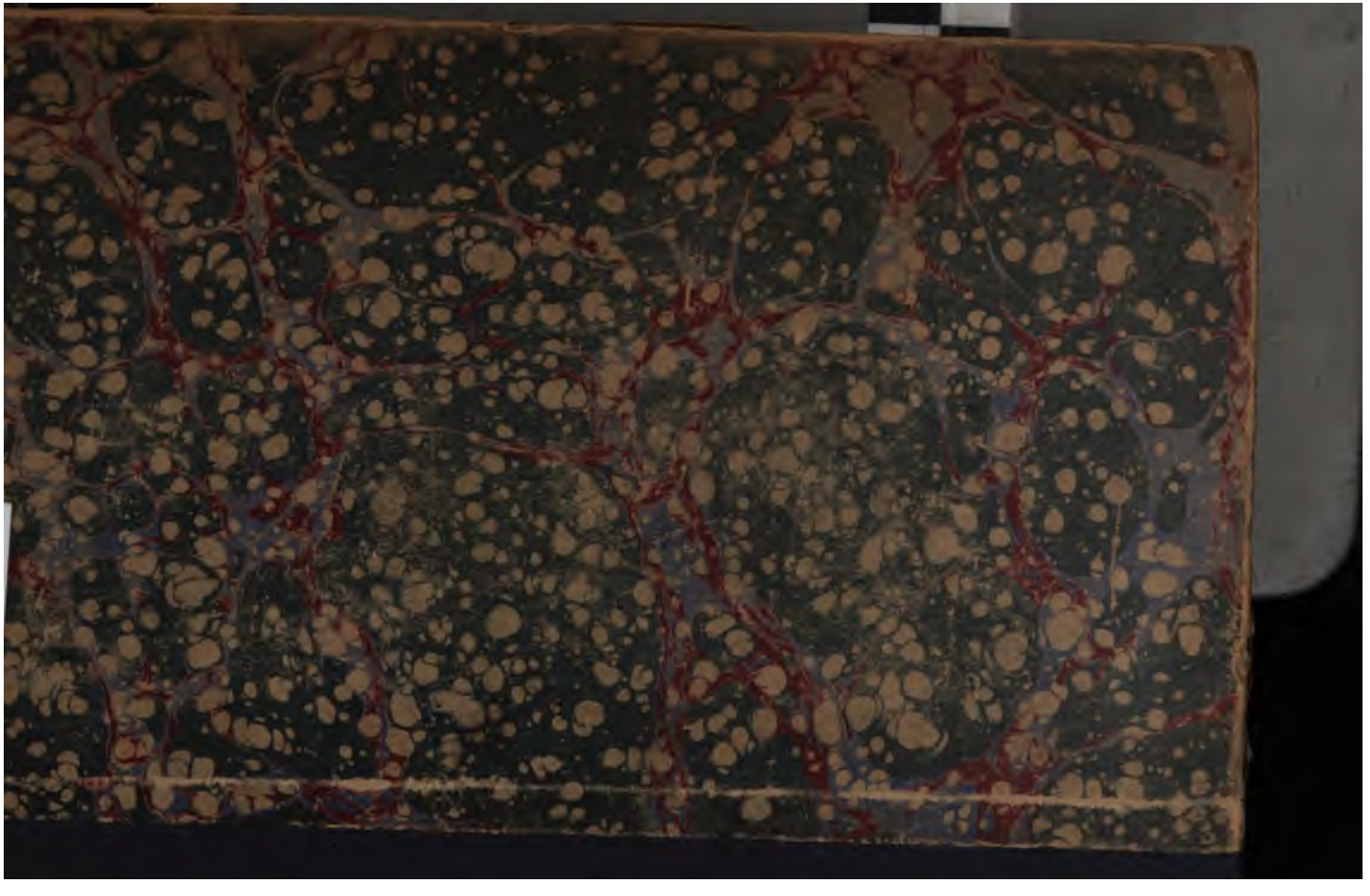

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BY

HENRY SMITH WILLIAMS

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THE WITNESS OF THE SUN

The Witness of the Sun

Chapter I

Sunshine and Shadow in a Business Office

COMING events cast their shadows before—sometimes. But how much more frequently do events—significant events that is—seem to come unheralded, stealthily, like thieves in the night, or like the proverbial bolt from the blue.

Who, for example, could have foretold that tragedy lurked in the office of John Theobold that morning of July 8th, and was to claim her victim within the very hour? There was no hand's breadth of cloud in the sky outside, and there was no cloud-speck within the mental horizon of John Theobold himself as he entered his office at nine o'clock, in accordance with his unvarying custom. There was no trace of apprehension in his mind. Assuredly, no shadow of impending disaster fell across his path that serene summer morning.

On the contrary, Theobold, who was always a man of buoyant spirits, appeared this morning to be in a mood even more than usually enthusiastic. He nodded and spoke cheerily to his private secretary, Frank Crosby, who occupied a desk at the right of the door.

"Harris and De Lage will be here at nine-fifteen. Show them in at once, and let no one else in while they are here."

He turned to his stenographer, Miss Cynthia Collins, a tall, slender, and exceedingly pretty girl who occupied a desk at the left.

"I will see you for a moment as soon as I am settled," he said.

Then he stepped briskly to a door at the other side of the room, and a moment later called out: "Hello, Jack; come here a moment please," as he disappeared into the private office.

Jack Henley, the person addressed, was just at that age when one is too old to be called a boy and too young to be called a man. To be explicit, he was but a few months past fourteen years, but he was grown pretty well toward the stature of a man—taller, indeed, than either Crosby or Mr. Theobold, the latter of whom was built along the lines of what might be described as liberality of longitude rather than of latitude.

Jack Henley's face had the open frankness of boyhood combined with a certain keenness that came, doubtless, partly of heredity and partly of experience in a metropolitan business office. It was the type of clean-cut face—rather thin in contour, sharply chiselled, with straight nose, firm chin, and clear blue eye—that is regarded by some students of ethnology as typically American.

Other students of equal authority might cavil at such a characterization, however, and could find abundant support for their contention in a glance at the face of the man who had summoned Jack to his office. For John Theobold would have claimed himself as a "typical American," had the point been raised, and could have brought forward in support of his claim the fact that seven generations of his ancestors had lived in New England and New York; yet Theobold's face, like his entire figure, was sharply contrasted in character from that of the young man whom he had selected as his confidential office boy.

Not only was Theobold short of body and large of girth, but his head and face were apparently built on the same plan.

His was the broad, rather low, type of skull, matched by full, rounded cheeks, a rather coarse mouth, and a thick bulbous nose that is not in-

frequently associated with business acumen and capacity for what has come to be airily spoken of as high finance.

It could be a very unpleasant face if its owner chanced to be out of sorts. It could take on an aspect of utter inscrutability if he were listening to a dubious project that he had been asked to capitalize; it could become fox-like in alertness, despite its contour, when he sought to drive a hard bargain—at which, it may be added, he seldom failed; and, on the other hand, it could beam with seeming benevolence and to-all-the-world friendliness, as it did this morning, on occasions when events had so shaped themselves that to John Theobold all the world seemed pleasing.

There was every reason why he should be in this holiday mood to-day, for within the coming half hour he expected to complete a transaction involving a project that he had financed and nursed for the best part of a year, which at first had seemed visionary and dubious, but which now gave full assurance of brilliant success. If arrangements made the afternoon before were carried through, as he had every reason to anticipate, he would be richer by a half million dollars before he was an hour older. Indeed, nothing more was now re-

quired than the signing of two or three names to a document lying in his safe, and the thing would be done.

In effect, with a stroke of his pen, he could transform the document in question from a nickel's worth of typewriting to three quarters of a million dollars' worth of contract; and two thirds of said three quarter million would be his.

Under such circumstances, who would not be cheerful? Who would not say a gracious word to his secretary, give a pleasant smile to his stenographer, and call out cheerily to the youth who served him as office boy?

For how could any one know, any more than John Theobold knew this morning, that the fates which seemed to have dealt him a full hand of trumps had in reality determined to declare the game a misdeal when the hand seemed fairly won, and to claim as penalty no less a stake than a human life?

Even in our day of science it is as true as ever that "Heaven from all creatures hides the book of fate." And we may thank our stars that it is so, for why should the evils of an unmaterialized future rob us of the joyous realities of the present—even though that future be as imminent and as insecurely posed as the sword of Damocles, waiting

only a single move of the minute hand of the clock?

Such thoughts as these, however, had no place in the mind of John Theobold that morning. His thoughts were indeed concerned at the instant with the hands of the clock, but in no tragic or symbolical fashion. He had merely noted as he entered his private office that the hands of the clock on the wall beyond his desk indicated seventeen minutes after nine.

There was no need even to glance at his watch to see if the clock was wrong; for when had he been seventeen minutes late in coming to his office? His car came to the door with absolute punctuality at 8:45. At that hour the avenue was never crowded. If a cross-street was torn up and impassable, it was the business of his chauffeur to know it and to avoid that street. There might be a leeway of two or conceivably three minutes, accounted for by unsuspected blockades; but even that would be rare, and a delay of seventeen minutes would be without precedent.

Therefore the clock was wrong.

On another occasion such a discovery might have sufficed to throw Theobold into a fit of rage.

"A clock in my office seventeen minutes out of time?" he would have shouted. "Why, I won't

tolerate for a minute having anything seventeen minutes out of plumb in this office."

And there would have been for an hour or two thereafter a sense of insecurity in the office that would have put the nerves of private secretary and confidential office boy under rather painful tension. It would not greatly have affected the nerves of the confidential stenographer, however, that young lady knowing herself to be indispensable, and feeling quite able to cope with bad temper of any and all comers, including the head of the firm.

On this morning, however, a little thing like a clock out of time could not for a moment disturb the equanimity of John Theobold.

To be sure, his eagle eye could not fail to detect the discrepancy at the very first glance (though he probably had overlooked it for a number of days before), but whereas it was a thing to be corrected, it certainly was nothing at which a master of high finance, who is by way of turning a half-million-dollar trick, would be disposed to cavil.

So the head of the firm of Theobold & Co. was still all smiles as he settled into his chair, threw open the cover to his desk, wiped the perspiration from his face in leisurely fashion, and turning to the tall youth who stood expectantly at his elbow, remarked quite casually:

"It's a blame sight better to be ahead of time than behind it, Jack. But suppose you keep that clock neither ahead nor behind but just *on* time. I might go to catch a train by it sometime, and lose seventeen minutes. And seventeen minutes of my time are sometimes valuable. You understand that, I think?"

"Yes, sir; of course. I'll set the clock right away, and see if I can't regulate it."

"No; don't bother about it now. I am expecting an important man at any minute along with Doctor Harris. I don't want to be disturbed. I want you to run on an errand."

He stepped toward the safe that stood just behind his desk. Jack Henley was ahead of him in an instant and swung open the heavy door of the safe.

"Good boy, Jack. Always on the job."

The boy looked at once pleased and surprised. He had often enough opened the safe for Mr. Theobold, but he could not recall that he had ever before been commended for so doing. Assuredly "the boss" was in unusual mood this morning.

Theobold fumbled among the papers in one of the pigeon-holes and selected two or three documents covered with diagrams. He slipped these into a long envelope and, himself sealing the envelope, handed it to the boy.

"Take that over and hand it to Señor Cortez," he said; "or, no; hold on. He won't be there yet. These greasers are slow-coaches in the morning. Put that in your pocket, and run up to Mrs. Theobold at the house. She wants to see you at ten o'clock about some errand or other. On the way back you can go to Cortez's office. I fancy he will be there by the time you get back. If he isn't, just write his name on the envelope and slip it under the door. Cortez doesn't seem to find it necessary to make an early start, like you and me and the other young fellows."

He grinned at his implied joke, and Jack grinned responsively; the point being that Cortez was not much more than half Theobold's age.

The financier made a further comment or two that to Jack seemed of not altogether obvious application, but to which he paid no particular attention, as the remarks seemed rather by way of soliloquy.

After the boy left the office, the stout, florid-faced man stood for a few moments at the open window, and as he looked out on the varied architectural panorama his face assumed an expression in which good humour was perhaps tinged with sensuality, and he mused aloud: "Maybe I wouldn't go to business quite so early

either, if I had the same inducement to linger at home that Cortez has. However—one of these days—they all have their price."

He walked back to his desk and began fumbling the morning mail. Several letters passed under his hand with automatic precision, a pencil check on each indicated for his secretary the nature of the desired answer. But his mind seemed to linger on another subject, for he muttered: "They come high, but we must have them. If one must pay, one must," even as he appeared to scrutinize a letter that said nothing about money, but only asked the use of his name on some philanthropic committee.

Then he touched an electric button, and a moment later Miss Collins appeared at the door. He still seemed to scrutinize the letter in his hand as he said:

"I'll take you to lunch with me to-day if you don't mind, Miss Collins. I can save time by telling you about some of these letters there."

Miss Collins gave him a quizzical look, and bit her lip to keep from smiling.

"Very well," she said.

As she returned to her desk, she glanced across at the secretary.

"Frank certainly looks pretty cross now," she

mused, "but it isn't a patch on the way he'll look when he sees me going out to lunch with the boss."

Then the smile left her lips, and she began to realize that after all she herself did not look forward to the lunch hour with any great satisfaction. But cart ropes and wild horses could not have dragged an admission to that effect from her—at least not when she was within earshot of Frank Crosby.

Crosby himself, a tall slender young man with clean-cut face and sparkling eyes, arose a moment later and came over to her desk.

"See here, Cynthia," he said, "did the old man ask you to go to lunch with him again?"

"He wants to talk over some letters and business matters."

"Business matters! A whole lot *business* has to do with it. You ought to be ashamed to say such a thing. And you ought to know better than to be seen going to lunch with a man like Theobold. You know his reputation."

"Never mind that. I know how to take care of myself, too. I wouldn't have worked up from a ten-dollar job to where I am if I didn't. See here, Frank Crosby, you might as well understand right now that I am not looking for you to tell me what I can do and what I can't. While I

am holding down a job like this I must put up with one master, but I won't tolerate two; and you'd better understand that when I marry you—if I ever do—it won't be with the idea of changing masters but of giving up masters altogether."

Crosby's face flushed and his voice rose stridently.

"That's all right. But if you don't stop letting Theobold——"

At that instant the office door opened, and two men entered unannounced, with the air of being expected. Crosby turned toward them confusedly, and shook hands with them in turn, addressing one as Doctor Harris and the other as Captain De Lage.

"Come right in. Mr Theobold is looking for you," he said, leading the way to the private office.

Then he resumed his seat at his own desk, and bent angrily over his work in silence.

Miss Collins, in the meantime, hit the keys of her typewriter with needless emphasis. Once or twice she paused and looked up, as if about to speak. But she seemingly thought better of it, and maintained what might be termed a voiceful silence.

Jack Henley glanced wistfully from one to another as if he cogitated the advisability of essay-

ing the rôle of peacemaker. But the face of the secretary did not suggest that the time was propitious; so Jack said nothing, and a moody silence, broken only by the spiteful clatter of the typewriter, reigned in the outer section of John Theobold's private office.

Chapter II

A Valuable Autograph

AS THEOBOLD arose to greet the guests, his face wore the justly celebrated leather-mask look of inscrutability.

Far be it from a great magnate to show that he had more than a passing interest in a person—even a captain of the legions of France—who had merely come for the purpose of paying half a million dollars for a signature—or, to be quite accurate, to make possible such payment by his government.

Such a transaction might seem important to a mere inventor, like Maximilian Harris, Ph. D., or a mere captain of artillery invalided from the trenches just before the signing of the Armistice, and detached for the moment for diplomatic service; but to a great financier—it was a bagatelle.

Theobold's manner expressed all of this, and more. He shook the hand of the captain with well-tempered cordiality, and waved the inventor to a chair with an air intended to express well-bred condescension. Then he stood with his thumbs

in his waistcoat armholes, regarding the visitors with a look in which just a shade of dubiousness as to the next move to be made tended to break through the mask.

Theobold knew very well the value of an impressive pause, whether one is about to address two men or two thousand.

The man addressed as Doctor Harris perhaps scarcely looked the part of the remarkable inventive genius he was credited with being. He was rather below middle height, very slender, with high cheek bones and sunken cheeks; a pleasing, thin-lipped mouth that seemed always on the verge of smiling; large, luminous gray-blue eyes that would have given him the aspect of a dreamer but for the rather startling effect of the mass of wavy hair pompadoured above the high, narrow forehead. The distinctly pleasing *ensemble* suggested a man of meditative frame of mind, imbued, however, with a sense of nervous energy that might readily make his dreams come true. And this, it would appear, was precisely what he had done in the present instance; for it was an invention of his own which Theobold had financed during its experimental stage, and which a representative of the French Government had now come to America to purchase.

The official intermediary of this representative, on whom Theobold now focussed his glance and whom he addressed when he finally saw fit to speak, was a short, pudgy man, like a reduced model of the magnate himself as to figure, but with a face that left not a moment's doubt as to his nationality. It was long odds that Captain Garibaldi De Lage prided himself on his resemblance to Marshal Foch; and it was at least even money that he felt certain that chance alone, rather than merit, had determined that the man he resembled had risen to supreme command while he had reached only a captaincy.

Nevertheless, he felt himself now in the presence of an intellectual superior; and in any event, he was here for a diplomatic purpose, so he sat impassive, meeting the financier's eye expectantly. Presently Theobold cleared his throat and spoke:

"Captain De Lage, I want you to say to the representative of your government that Doctor Harris and I are practically making you a present of the Instantaneous Range-Finder. We have devoted years of time and thousands of dollars of good money to the development of this apparatus, which will revolutionize warfare. Imagine, sir, the importance of an instrument that enables you to locate the exact distance of an enemy to the

yard, at a single glance; a machine that not only measures but registers the distance, so that a boy can read it, and the poorest gunner can aim his cannon with absolute accuracy.

"*Oui, Monsieur,*" assented the Captain. "I have seen it with my own eyes. It is *magnifique*. But, Monsieur, we are paying——"

Theobold disregarded the interruption.

"It will revolutionize warfare, I tell you, or go a long way toward making war impossible. Think of being able to locate the exact distance of a trench when only a single gun has been fired! Think of being able to locate instantly the distance of a submarine that comes to the surface for a moment or shows only its periscope! Yes, and think of even being able to locate the distance of an airplane, like the one that will be flying over here in half an hour! You can measure the distance of trenches and ships with your old apparatus, if you have time enough and space enough in which to work it. But you must sight from different places, compute your angles, make calculations! Here is a machine that you hold in your hand, that makes the calculation for you. You know how it was when you had taken one of the German trenches. You could not keep it because the enemy knew the exact range and could blow the

entire trench and everything in it into atoms long before you could get the exact range of the enemy's gun——"

"It is true, Monsieur, I have seen it. Once there at Verdun——"

"Well, you won't see it any more, after you men are equipped with the instantaneous range-finder. In the next war you will locate the enemy's batteries in the wink of an eye. And that isn't all: You will get the range of their airships, too; and you can put their entire fleet of submarines out of commission! Every merchant ship should carry a small cannon, and one of our range-finders, and you can drop an explosive bomb right beside the periscope the minute it shows. Doctor"—Theobold turned to the inventor, who was shifting a bit uneasily in his chair, evidently wishing the monologue might come to an end, and the business of signing papers be substituted, but who was much too diplomatic to say so—"Doctor, you will show the Captain what the range-finder can do when that fool bomb-dropping airplane flies over this morning, won't you?"

"I have seen what it can do, Monsieur. I have seen it again and again. I am well satisfy. We have stood on the buildings of monsieur the Doctor's laboratory and have measured everything

you can see for miles around, and I had the measurements verified from the map. I am satisfy. It is a large sum, but France is generous; it is her pleasure to reward genius. We will pay——"

"Pay? Why, man alive, we aren't asking any pay. We are making a present of the range-finder to the government of France because she was our associate in the World War. It's the other invention we are selling you, and we accept a paltry three quarter million merely as part compensation for our time. You will readily understand, sir, that the time of a man in my position is valuable. Why, sir, in an hour's time——"

"Exactly so, Monsieur, exactly so. We intrude, I feel that we intrude. But let us not take more of your time. Let us sign the documents. I will then take them to my chief. He is to meet us at Doctor Harris's office at 10 o'clock. Even now we shall have no more than time to reach him. I will leave the duplicate copy with Doctor Harris and he can return it to you. The other copy I will take to our ambassador at Washington, and within a week the money will be in your hands. But we must be at Doctor Harris's office to meet my chief at 10 o'clock. Shall we not sign the papers at once?"

The force of this argument appealed to the

magnate. He glanced at the clock and—forgetting that it was ahead of time—noted that it lacked but a quarter of ten. He stepped briskly to the safe, which was still standing open, and returned with two official-looking documents. These he laid on the table for the inventor and the military expert.

"Here we are," he said, lapsing into business-like curtness. "We went all over it last time, so there is nothing to do now but put down our John Hancocks. Go ahead, Captain. Shall I send for a notary?"

"No, no, this must all be done very secretly. We can trust no one. Even now there are spies everywhere. But the word of a captain in the French Army is as good as a note of the Bank of France. See! There is my name on the paper. The money is already yours."

"I'll just have my office boy witness it, to make it legal, along with the Doctor here. He'll know nothing about what's in it," said Theobold, touching a bell.

In half a minute the signature of Doctor Harris and that of Theobold's were added, and after Jack had signed his name the Captain had placed the documents in his pocket.

"Now we must say *au revoir*, Monsieur. We must not be late."

Theobold glanced again at the clock, and now he remembered. "Oh, you have lots of time," he said. "My car is at the door and will take you over in a jiffy. It's only about two miles, and there isn't much traffic if you go down the Bowery and over the Williamsburg Bridge. See here!"

Stepping to the window, he beckoned the Captain to his side. "We used to be able to see the doctor's laboratory—or the building it is in—from this window, until they put up that skyscraper between us just across Broadway there. It needed a telescope, of course, but on a clear day the doctor and I could almost shake hands—through a telescope. It is something less than three miles by the cyclometer, and as I said it isn't much over two as the crow flies. But a few months ago they put up that skyscraper that has it on us by three or four stories; and now we can't see each other until the doc invents his X-ray telescope. When are you going to get at that, Doc? An X-ray telescope would be worth at least a million, wouldn't it, Captain?"

The magnate's good humour had reached such a point that he was now waxing facetious. As the documents were actually signed, he had no longer need to wear his business face. He was effervescing like a schoolboy who has won his first prize, for he

felt that he had the long end of the bargain. Notwithstanding his grandiloquent words, Theobold had no genuine belief that either of the inventions would revolutionize warfare, or indeed come anywhere near it. He knew that range-finders have long existed that serve an admirable purpose in ordinary warfare. What he knew of submarines did not lead him to suppose that even their periscopes are usually visible until after they have discharged their torpedoes. And he had imagination enough to realize that even if the instantaneous range-finder could take and record the location of an airplane at any given moment, the airplane, travelling a mile a minute, would be at a quite different range before a gun could be sighted.

Then, quite incidentally, he knew very well that this range-finder would do none of the things claimed for it, but could only be used by a trained hand in connection with an electric device. The Captain, as it happened, was equally well informed in the matter, so, after all, his speech was neither here nor there. The other device—the smoke-consumer and sound-silencer—was what they were actually selling, and what the French Government was willing to buy. But there were reasons why the financier did not want that fact recognized in the legal document.

The main point was that the thing had been arranged quite to his satisfaction, in such terms that no court could fathom the real significance of the transaction—and he had stood out successfully for three quarters of a million.

The promoter's face was still beaming as he accompanied his visitors to the door and told his secretary to escort them to the automobile and give directions to the chauffeur.

"Don't forget to take a glimpse at the flying lady with the range-finder," was his parting comment. "She must be leaving about now, and she'll be going over this part of town by the time you get to the laboratory."

Miss Collins was alone in the office when Theobold returned, Jack Henley having just started on the errands. The financier stopped a moment at her desk.

"Don't forget you are lunching with me at one," he said. "I turned rather a pretty trick this morning, and we can afford to have all we want to eat." His good humour was wont to express itself in a kind of heavy jocularity. "But now you had better go up on the roof and have a look at the bird lady. I see people are gathering on the roofs all about us. Tell the girls in the big office they may go if they want to. If you get

back by ten, it will be time to take up the dictation."

As Captain De Lage and Doctor Harris drove away in Theobold's motor, their faces gave evidence of suppressed elation.

"Eet is one fine morning's work," remarked the Frenchman.

"Not bad," said Doctor Harris, laconically.

"Monsieur Theobold has made a good bargain for himself also."

"He always does. No one ever knew him to get the worst of a bargain—at least when he was bargaining with men. With women—well, that is different. That's his blind spot."

"Blind spot? But no; he has a good eye for women. Have I not seen the charming mademoiselle his stenographer?"

The Captain's eyes sparkled. He twirled his moustache as he continued:

"Did you notice her this morning, Monsieur, when we entered? She was as beautiful as a red rose. But she was very angry. And Monsieur Crosby, the secretary, his face was like a cloud of war. And he spoke Theobold's name just as we interrupted their quarrel."

"A mighty nice girl, Miss Collins. And Crosby is a mighty nice fellow. They're engaged, I take

it, and Crosby is jealous, like every other lover. Miss Collins doesn't care a snap of her finger for Theobold, but of course she knows which side her bread is buttered on, and she has to be decent to him; and that makes Crosby mad. A bully chap, but with an ugly temper."

"And the lady cares for Crosby—I can see that. Ah, I envy him. And if I were in his place, I would teach Monsieur Theobold to mind his own affairs."

"That sounds all right. But it isn't so easy when a man is your boss, and handles the purse strings."

"Even so, there is a way, and I would find it. So will Crosby, I predict."

The inventor seemed to turn the matter over in his mind.

"I wouldn't be surprised, the way he looked this morning," he said, presently. "He sure did have a grouch on. But it's no affair of ours. We have other fish to fry."

"Quite true, Monsieur. It is no affair of ours—*malheureusement non*," he added, reflectively, with a sigh. "But I envy the secretary. Mademoiselle is—what you say—a *pomme, mais non*, a peach. For her I would cross swords with Monsieur Theobold *très voluntairement*—or with Monsieur Crosby either."

"Forget it, Captain; forget it. I tell you we

have other fish to fry," said the inventor, with a trace of irritation in his voice, in contrast with its customary monotone of imperturbability.

"Feesh to fry? I do not comprehend. We have no feesh—Ah, yes, yes, now I understand. It is only your droll *langue Américaine*. Monsieur does not mean real feesh; he means only feesh *imaginaire*. I have lived in London, and the English language I know. But your language Américaine, I shall never learn eet. Eet is *très drôle*."

"Well, it's a droll world, Captain. But it seems to be wobbling our way this morning. We've got the old man lashed to the mast, and after we clean up on this deal, you can scuttle the ship if you want to, and rescue the fair Miss Collins and take her away on the yacht you'll be able to buy with your share of the pirate money."

The Captain regarded his companion with an expression that seemed to combine astonishment and despair. He shook his head, shrugged his shoulders, and raised his hands in the characteristic gesture of deprecation.

"It is useless, Monsieur; it is useless," he murmured. "In one thousand years I shall never comprehend the language Américaine. But to be with the beautiful mademoiselle on a yacht—that I can understand. That would be *magnifique*."

Chapter III

An Object Lesson with a Sequel

MISS Sylvia Lawson, the aviatrix, doing her part in the celebration in honour of the triumphant home-comers, had promised to give New Yorkers something really worth while in the way of an airplane exhibit.

She kept her promise. Acting under the auspices of the Aero Club of America, and with a special dispensation from the terrestrial powers, she flew over New York that July morning; circled about above half of the city; zigzagged from the Battery to Central Park and back again, going higher and higher until to the onlookers in the street and on the tops of the buildings the bird-like airplane seemed no bigger than a swallow; and she sent out a never-ending shower of messages in the form of tiny wooden arrows, packages of confetti, miniature torpedoes, and sundry printed slips so shaped that they fluttered and darted about in the air like myriads of butterflies as they gradually settled through the mile or

so of space that separated the aspiring aviatrix from her audience.

Her chief "stunt," however, consisted in dropping imitation bombs that were timed to explode harmlessly but with much noise a few hundred feet above the housetops.

It is unlikely that Miss Sylvia herself was encumbered with any overweening sense of duty toward her fellow citizens in making this spectacular exhibit. She probably thought that it would be a jolly good lark to make such a flight in the eyes of a million or two of her townspeople and no doubt had an eye to the admirable advertising quality of the spectacle when properly interpreted in the vernacular of her press agent.

But whatever her anticipations, the exhibition had one result that she had not predicted—it landed her in jail that night, on a charge of manslaughter.

This suggests that the graphic lesson in bomb-dropping had certain realistic features that were not recorded in the original programme. Miss Sylvia had not intended to kill anybody. She had meant merely to show how easy it would be to kill a lot of people if she were the emissary of an invading army and the people were her enemies.

The missiles she launched had been selected with

great care for their innocuousness, and if any one had told her that death might lurk in one of them, she would have thought it a joke.

"Gee-whiz!" she would probably have said. "What are you giving us? Tell that to the marines."

But then Miss Sylvia had probably never made a profound study of physics. Being an aviatrix, she must have given some thought to falling bodies; but chiefly, doubtless, with reference to the danger to craft and pilot, were they to fall, rather than to the hazards of the wayfarers on terra firma. She was very likely unaware that a falling body acquires speed and momentum at an alarming geometrical ratio, and that even a very small object dropped from the height of a mile or two will acquire the velocity and force of a rifle bullet by the time it reaches the earth's surface.

But if the aviatrix did not think of these things, there were those among her audience who did. For example, a young man with a blond complexion and a German accent who stood next to Miss Collins in the midst of a scattered company on the roof of the Schuyler Building, where she had gone to view the exhibit.

"I tell you it is downright dangerous," the man

was saying, as along with the others he craned his neck, peering straight upward to the height where the airplane soared and circled. "Why, if she happens to lose a glove button or a hairpin, she might as well shoot at us with a pistol."

His companion laughed.

"Don't take it so seriously, Mr. Schwartz," she said. "There's a whole lot of space on the tops of these buildings and in the streets, and you could drop a good many hairpins without hitting anybody."

"I know you could. But that wouldn't make it any better for the one person it did hit. The hairpin would go through you just like one of those aërial darts they used over in Europe during the war. A fellow would never know what hit him. And if the littlest bolt or nut were to work loose and drop off the machine, I'll wager it would go through the roof of this building, even though it is made of reënforced concrete."

The girl shrugged her shoulders and assumed an aspect of mock gravity.

"All hands to the bomb-proof cellar! I didn't know I was going to war when I came up here to see the show. I'm glad our offices are two flights down. You don't suppose anything will drop through as far as we are, do you? Anyhow, I must

beat a retreat, for there is some dictation due and if I'm not on hand there will be a worse explosion in the office than if a basketful of bombs came down from that airplane."

This remark seemingly brought the ideas of the young man down from aërial heights to mundane affairs, for he caught his companion by the sleeve as she started to go and detained her.

"Hold on a minute, Miss Collins. How about lunching with me to-day?"

"Not to-day. Got another date—with a man who isn't afraid of hairpins," she bantered, as she ran down the stairway.

A minute or so later the girl reëntered a door on the fifteenth floor bearing the legend "Theobold & Co." Its sole occupant at the moment was Frank Crosby who did not raise his eyes from the books at which he was working, but only waved his hand with irritating brusqueness in the direction of Theobold's office.

"He rang the bell for you five minutes ago," he muttered.

"Did he? I thought it wasn't quite time. I was up looking at the bird-machine drop bombs on us. That man from the office next door was trying to tell me that they would muss us up a whole lot if they hit us. He said that even if a hairpin

dropped from up there in the clouds, it would kill a man."

"Hairpins may be compromising on occasion, but I never thought them dangerous. Here is one that the gypsy dropped when she was in here a little while ago."

The man had glanced up furtively as he indicated the hairpin, but turned instantly to his books, apparently absorbed in his work even as he spoke.

The girl turned quickly. She had taken up her notebook and pencil, and was starting for the door, but she stopped abruptly, and her voice was keyed a trifle higher as she said:

"The gypsy! Was she here again?"

"Surest thing you know. She was closeted with the boss for a quarter of an hour. Looked a bit excited when she came out, too. The boss came with her clear to the outer door. He seemed to be peeved about something when he came back, so you had better mind your p's and q's this morning."

"Huh! I don't need any advice about that; certainly not from you, Frank Crosby."

The girl's face flushed as she snapped out the words in a tone of defiance. Yet the wistfulness of her eyes belied her manner. She paused a moment,

and seemed on the point of saying something more; then suddenly turned and opened the door marked "No Admission."

Glancing back over her shoulder she tossed her head contemptuously and passed through the doorway. The man had been watching her intently though he had only partly raised his head. His face was very pale, emphasizing, by contrast, the blackness of his eyes.

An instant later the girl re-appeared a transformed figure, her face blanched, her eyes staring, her hands extended in horror, the notebook and pencil clashing to the floor.

"Frank," she gasped. "Frank! Come here quick! He's been killed!"

The secretary was on his feet in an instant, and close beside the girl, with his arm instinctively about her, staring with her into the private office where John Theobold, senior member of the firm of Theobold & Co., lay flat on his face, his head against the wall beneath the open window, his arms outstretched, one pallid hand resting in a pool of blood. A glance at the figure told the story. It needed no expert, no test of pulse or breathing, to certify that John Theobold was dead.

Chapter IV

The Official Verdict

BUT of course the experts were summoned in all haste. With various gradations of haste they appeared—an entire troupe of them.

The officious, bustling ambulance surgeon, most arrogant of all uniformed beings, arrived almost simultaneously with the quiet, unostentatious family physician and a policeman. A coroner's physician, a detective, and an inspector of police appeared a little later.

Meantime a bevy of girls and men from the neighbouring offices were grouped about the door, with scared, questioning faces, whispering or mumbling inquiries in subdued tones.

The family physician, seeing at a glance that nothing could be done, made way courteously for the ambulance surgeon, who knelt, ostentatiously, and pressed a stethoscope to the back of the fallen figure. He shrugged his shoulders casually, as if to indicate that mere death was nothing to get excited about for a man of his experience. He

inspected the pool of blood by the man's hand and the stream that trickled out to it from beneath the body, with a glance at once critical and unconcerned. Then, as he arose, he nodded condescendingly to the nearest policeman.

"Your case, officer," he said. "Nothing for me to do here. So long." And with due pomp and ceremony he made his exit.

Meantime the family physician, who chanced to have earned a national reputation before the ambulance surgeon was born, had been standing quietly in the background, obviously studying the situation. Presently he turned to Miss Collins, the stenographer, who, thoroughly composed, was hovering on the outskirts of the official coterie.

"How did it happen?" he asked.

"Nobody knows. I came in to take dictation, and found him lying here just as you see him. Nobody had been with him this morning except Doctor Harris and Captain De Lage, who went away half an hour before, and a woman who left ten minutes or so ago. He went with her to the door. After that he was in here alone. He must have leaned out of the window to look at the airplane, and been struck by a bomb."

"A bomb?"

"Well, anyhow, something that dropped from the airplane. There were little torpedoes and things falling on the roof up there, and they struck like bullets. A man told me that even a hairpin or a glove button dropped from way up there would kill any one. I don't see what else could have happened for there was no one here."

One of the policemen interrupted:

"Wasn't any one in the outer office?"

"No one but Mr. Theobold's private secretary, Mr. Crosby." She indicated the dark-haired young man. "Everyone else was up on the roof watching the flying machine."

The policeman, Finnigan by name, turned to the secretary:

"Do you mean to tell me you didn't see the guy that did the shooting?"

"The shooting?"

"Sure; the shooting. Don't you see the blood? And don't you see that hole in the back of his coat? Someone put a bullet through him. And who's to know who did it if not the only feller that was handy by? Come, come, me boy; out with it; what have you done with the gun?"

"My God, officer, you don't think I—you don't know what you are saying."

"I know what I'm saying, all right. And it's a

close eye I'll keep on you until the Inspector gets here. He'll attend to your case."

"But, officer," broke in Miss Collins, in obvious alarm, "Mr. Theobold wasn't shot. He was hit by a bomb that came from that airplane."

"Air-nothing. What do you take me for? Do you suppose a cock-and-bull story like that will go down? Not with Finnigan. You may be just fooling, young lady, or you may be in cahoots with this man here, but you can't get away with that kind of a story. Our young friend here will tell what he knows or go to the jug. And the sooner he tells his story the better it will be for him."

At this moment the Inspector arrived, and with him came a plain-clothes man, who, as it presently transpired, was the big-gun detective of the precinct, Mel McFalcon by name; an athletically built man with steel-blue eyes that conveyed the impression of penetrating all he looked at with an X-ray type of scrutiny. The two had been watching the airplane exhibit from the top of the police station over in 31st Street when the murder call had been turned in.

The Inspector glanced casually about the room. His eyes rested on the prostrate body for a fraction of a second, and he queried: "What you got,

Finnigan?" The Inspector was a man of few words.

"A case of sunstroke, according to our young friend here." He leered disagreeably and tapped Crosby on the shoulder. "This guy was in the outside office, but didn't see no one go in or out. Didn't hear no shots. All the same here lies our old friend with a bullet hole through him, dead as a door nail. Never knew a sunstroke to happen just like that before, did you, Inspector?"

"How do you know the shot didn't come through the window?"

"The young lady here says it did come through the window, but she claims it wasn't a shot. She has it doped out that the young woman in the flying machine dropped a bomb on our old friend."

Miss Collins interrupted.

"He must have been leaning out of the window. Everyone was looking at the airplane. You saw things dropping, didn't you?"

"By Jove!" broke in the detective, whose face hitherto had worn a somewhat bored expression. "This looks as if it might be interesting, after all. You remember what I was telling you, Inspector?"

He leaned over and examined critically a little hole in the dead man's coat, just over the left shoulder. Then he lifted the body partly and

peered under the right side, where a larger hole showed, just below the lapel of the coat, from which blood was oozing.

"Went plumb through him, sure as shooting," was his comment.

He meditated a moment, then arose and leaned out of the window. Turning his head, he regarded his own shoulder critically.

"Guess that's about the way it happened, Inspector. Turned his head like this to the left, to watch the flying machine. That twisted his body a little; and the thing in dropping struck him in the shoulder, coming out through the right breast. He probably never knew what hit him. Just about an even dice whether he took a Brodie from the window or toppled back into the room here."

The Inspector nodded approvingly, and McFalcon rubbed his hands together with an air of satisfaction, as one who had again vindicated his reputation.

But the case was not to be settled so easily, for Finnigan also had a reputation to sustain, only second to that of McFalcon, and he had already committed himself to another line of reasoning. So he assumed a very fair imitation of a contemptuous sneer as he said:

"Holy smoke! Do you fall for that kind of bunk!"

"Bunk nothing! That's what happened. And it's lucky that a lot of other guys didn't get theirs in the same way. A pretty kettle of fish, letting that skirt go up there and chuck things down on us. Might as well be at war and done with it."

The Inspector stepped to the telephone and called the police station.

"Hello! That you, Mike? Pinch that skirt that did stunts in the sky as soon as she lands . . . Never mind that. Just get her in the jug until I see her."

Thus it happened that Miss Sylvia Lawson spent that night in jail instead of celebrating her successful demonstration with a company of admiring friends as she had planned. However, she did not at the moment know the gravity of the charge against her, thinking that she had probably violated some city ordinance against making a noise on Tuesday, or what not; and she reflected philosophically that a record of a night in the station house would not lessen the theatrical effect of the story of her day's adventure.

Meanwhile, though overruled, Finnigan was apparently by no means convinced.

"McFalcon's usually right," he muttered. "But

that looks mighty like a bullet hole to me, all the same."

He was scrutinizing every part of the room in search of a bullet hole. The missile had evidently gone clear through its victim, and must have lodged somewhere. But Finnigan could find no trace of it. He stood by his colours, however, and said aloud:

"My guess is that the fellow was standing by the window and looking out all right, and that someone shot him in the back. And I think I know who the someone is."

He gave a meaning glance in the direction of Crosby, who met his glance with a look that might have been interpreted as defiance or anger or bravado, though his face was very pale and his hands were clenched.

"Forget it, Finnigan," said the detective. "Don't you see that the hole in the man's back is way above that at the front? If any one shot him from behind while he was standing here, he would have to be a giant about twelve feet tall. Or do you think he was hanging from the ceiling by the lamp bracket?"

McFalcon was waxing sarcastic. He had a rather ugly temper, and he could brook no rivalry in his own field in the presence of his chief.

"I guess you're off the track, Finnigan," said the Inspector with customary laconicism.

Finnigan made no direct reply. But snatches of muttered sentences that fell from his lips from time to time showed that he held to his opinion, despite adverse testimony. He might have no answer ready to meet McFalcon's objection to his theory, but it was a good theory none the less. Undoubtedly the bullet had travelled downward, striking Theobold well up toward the shoulder. Not an easy matter to explain, certainly, but mighty suspicious all the same.

It appeared, moreover, from Finnigan's muttered soliloquy, that he determined that no one should go in or out of the office without being carefully inspected. As he was left in charge at the door he had full opportunity to put his resolution into effect. But his search revealed nothing.

"A clever guy like that wouldn't leave a gun lying round. I suppose he had a pal to help him get away with it," was his mental comment.

So far as Finnigan was concerned, the mystery of the death of John Theobold was no mystery at all. Crosby had shot him. That was the long and the short of it. Just how he managed to shoot him from above, and just what he had done with the weapon—these were details for the Dis-

trict Attorney to work out. A police officer's duty is finished when he points out the criminal.

But what was the use of pointing out the criminal, when the Inspector had ears only for that upstart of a detective, McFalcon? Not that Finnigan was jealous of the detective. Not a bit of it. He was only plain disgusted. Such, at least, was the policeman's own verdict, as delivered *sotto voce* to himself.

Chapter V

A Pair of Hatpins

MEL McFALCON was a typical representative of that ultra-modern school of detectives who owe their existence to the creator of Sherlock Holmes.

They are the men in real life who attempt to rival the detectives of fiction, by applying logical reasoning and a superficial knowledge of science in solving the mysteries that attach to substantially all crimes. But McFalcon, although assuredly not a literary man, had been a great reader, and he owed his reputation in considerable part to the fact that he had a somewhat wider knowledge of literature and science than his fellows—or perhaps it would be a more accurate phrasing to say that his ignorance of these subjects was somewhat less abysmal than theirs.

It was, in reality, his exceptional reading that led McFalcon to an instant decision in solving the mystery of Theobold's death. Only a short time

before he had read a story by Frank R. Stockton that had made a strong appeal to his imagination. It was a story involving an incident in which a man far down in the depths of a diamond mine had been killed by a pin that fell from the surface and acquired such momentum that it drove directly through the man's body.

That story had flashed into McFalcon's mind the instant the suggestion had been made that Theobold's death had resulted from something dropped from the airplane.

McFalcon knew very little about physics, and could have only vague notions as to what momentum a body might acquire in falling from the machine; but he felt certain that any man who could write such a story as the one he had in mind was intelligent enough to make sure of his facts; so he confidently appropriated the information, carefully keeping quiet as to where he had gained it, and retailed it now in modified form for the edification of his associates.

"You know, Inspector, even a pin dropped away up there where the bird-lady was could go right through a man and kill him dead as a door nail. The momentum a falling body acquires is something terrible. And I reckon that this thing was bigger than a pin."

He interrupted himself to inspect critically the aperture in the back of the dead man's coat.

"I reckon," he continued, "that this might have been a lead pencil or"—a brilliant idea striking him—"or a hatpin. Yes, by Jove! I'll bet that's just what it was—a hatpin."

"But a bird-lady wouldn't wear a hat, would she?" commented the Inspector, dubiously.

"She might not wear a hat, but she'd probably wear a veil and pin it on with a hatpin. Anyhow, I'll bet she had one concealed on her person somewhere, and that it dropped down in just the wrong place for our friend here."

As he spoke the detective was looking out of the window. He seemed to fix his gaze intently on something on the roof of the adjacent building several stories down.

"I think I'll slip down and see what I can find on that roof," he said, presently.

An hour or so later McFalcon had an interview with Miss Sylvia Lawson in the police station, at which it was divulged, after such measure of circumlocution as seemed to the detective in keeping with his quest, that the aviatrix in point of fact had used a hatpin to fasten on her cap; that she had purposely loosened the pin in order to remove the cap and wave it in answer to salutations

as she came up over the crowds down by the battery; and that presumably the pin had thereafter been somewhat insecurely replaced, inasmuch as it had disappeared before the flight was finished.

At all events, she admitted that she had no recollection of finding the pin—in fact, had given it no thought when she removed her cap at the landing, and she had not the remotest notion as to where the pin might be now.

Whereat McFalcon enlightened her by producing the pin; or at all events a hatpin that he thrust forward with calm assurance, remarking coolly:

"Well, what do you say to this? Do you recognize it? Take your time before you answer, for remember that whatever you say may be used against you in court." McFalcon prided himself on being able to temper the stern winds of justice when they buffeted one of the weaker sex, quite after the manner of his fictional prototype.

But Miss Lawson was quite accustomed to buffeting the winds of fortune, both physical and symbolical. She neither asked nor expected that either type of wind should be tempered. The mention of court did not disconcert her in the least, and the corrugated brows above the eagle eyes

with which the detective peered into her face represented a sheer waste of energy. Meeting his gaze with an amused smile, she replied:

"It does look like mine, and I guess I'll claim it. Thank you for returning it. It looks like a lot of others, too, for it cost a nickel at the 10-cent store. Where did you find it?"

Such imperturbability nettled the detective. He was not accustomed to having his professional eye met with so unflinching a gaze, and his Socratic questionings with such flippant response. Still he felt that he must not be outdone in composure. So he assumed a manner of great dignity, and spoke with conscious deliberation:

"I found it on the roof of a building, where you dropped it; but between the time that you let it go and the time when it landed on the roof, it went through the body of a man and killed him."

But even that shot failed to produce the effect he was looking for. The aviatrix did indeed change expression for a fraction of a second, and her muscles just perceptibly tightened, then she laughed aloud.

"Good stuff," she said. "I'll hand that on to my press agent. It listens bully."

Such is the nervous organization that goes to the making of a champion aviatrix. Or such, at

any rate, was the quality of fibre of this particular girl.

Not all the well-toned nerves are reserved for flying ladies, however. Some of them are apportioned to young ladies who act as stenographers to business men, who often have quite as much need of them as the most daring of aviators. And when nerves of this superior fibre were given out, it would appear that Miss Cynthia Collins had received her full share. No one could doubt that who looked into her steel-blue eyes, or noted the determined set of her very comely lips, or the angular even though graceful contour of her chin.

The girl's nerves had proved fully adequate to the occasion when she found her employer lying dead in his office, and in the subsequent interviews with the representatives of the law. And now it chanced that, not long after the nerves of the aviatrix had been tested by the detective, those of the stenographer were being subjected to a test no less severe, though of a quite different kind.

The testing process had begun when she read the account of the death of her employer in the evening papers. Naturally the papers had made the most of the event. Mr. Theobold was a man

of some prominence, but even if he had been the most obscure citizen, the spectacular nature of his taking off would have appealed irresistibly to the censors of the columns of the press. To the metropolitan reporter nothing is sacred; and even the gravity of the event could not banish the feeling that a kind of malevolent humour attended a demise brought about, however inadvertently, with the aid of that traditional weapon of femininity, the hatpin.

One paper even had the audacity to print a veiled but fairly transparent allusion to the measure of poetic justice attending the exit by so romantic a channel of one whose gallantries were somewhat proverbial.

It was not the tone of these newspaper stories, however, that set Miss Collins's nerves on edge. It was the statement of fact with regard to the hatpin. The detective had not made known the result of his search on the roof to any one but his chief; and Miss Collins had had no inkling of it until she read the evening paper, at the very moment, as it chanced, when McFalcon was presenting his evidence at the official inquest in the inner office.

Then she called Jack Henley out into the hall.

Once outside the door Miss Collins turned to the youth with an eager question.

"Jack, have you seen that thing in the evening paper about the hatpin?"

"Yes; but I don't take much stock in it. Do you?"

"That's what I want to talk to you about, Jack. I don't know just what to do. You've got a lot of sense, Jack. I want you to advise me."

She paused a moment; then hurried on:

"You see, I don't believe that hatpin was dropped by the airplane girl at all. I think it was mine. Don't you ever tell anybody, Jack, but I was standing in there by the window yesterday noon before we went to lunch. He called me in just as I was putting on my hat and—well, Jack—you know what I mean, he got kind of fresh, and I had a hatpin in my hand, and I threatened to scratch his face with it if he didn't keep away. Then all of a sudden he caught my wrist and gave it a twist, and the hatpin slipped from my fingers and fell out of the window."

The boy seemed to give the matter very serious attention.

"Golly!" he said, presently. "Then it must have been your hatpin they found."

"But listen, Jack. You know a hatpin *might*

have done it. There's an interview here in the paper with a Columbia professor, who says it might."

"But if it's your hatpin, Miss Cynthia——"

"Yes, Jack, but the trouble is this. If that hatpin didn't cause the death of Mr. Theobold, then something else did. And if they don't find something else on the roof that might have been dropped from the airplane, they'll begin to look for other ways Mr. Theobold might have been killed, and then that horrid policeman, Finnigan, will begin talking again."

"That's so," said Jack, looking very grave. "And that would mean that Mr. Crosby would be under suspicion, wouldn't it?"

"Of course it would. Did you see how the policeman sneered when he asked how the shooting could have occurred in the private office without the only man who was in the adjoining office knowing about it?"

"Yes; and I wanted to hit him when I saw the way he looked at Mr. Crosby."

"Oh, Jack, so did I. I wanted to *kill* him. But I suppose he couldn't help feeling that way as long as he thought Mr. Theobold was shot. Of course, if a pistol had been shot in there, Frank must have heard it, with only that board partition

between. And that proves that he wasn't shot, doesn't it?"

"Unless maybe the bullet came from outside somewhere."

"But, Jack, there isn't anywhere for it to come from, except from that airplane. It *must* have been something dropped from the airplane. If it wasn't the hatpin, it was something else. A hairpin or a shoe button would have done it, coming from 'way up there. Don't you think so?"

"Maybe so, Miss Cynthia. That's what that Columbia professor said that told about it in the paper."

"Well, then, it must have been *something* the girl dropped, and what difference does it make whether it was the hatpin or something else?"

Miss Collins was obviously arguing the case with herself. She was seemingly trying to prove to her own satisfaction that no real injustice would be done anybody if she kept silent about the hatpin. She lowered her voice instinctively as she said:

"Jack, let's not say a thing about it. No one need know."

But even as she made the suggestion, she glanced about her suspiciously as if with a sense of alarm. Her look suggested that in concealing this bit of information she felt herself in a way acces-

sory to the crime—or accident, if accident it had been.

Jack's face did not reassure her.

"I am afraid we ought to tell, Miss Cynthia," he said. "Everything's bound to come out all right, but we ought to tell."

"Well, let me think about it a little first." She seemed on the verge of tears.

The boy was obviously distressed.

"Everything will be all right, Miss Cynthia. Don't you worry," he said, soothingly.

"Oh, Jack, I can't help worrying. And, Jack, please don't say anything about the hatpin."

"I won't say a word, Miss Cynthia. But you must tell, and Mr. Crosby must tell everything he knows. It's the only way. Everything will come out all right."

There is something beautiful about that elemental sense of the triumph of justice, that innate confidence that the truth is mighty and must prevail, which is the heritage of normal youth. But seemingly the words failed to carry conviction to Miss Collins, for the tone of her voice belied her words as she answered:

"I know it will, Jack. Oh, Jack, I *will* tell. But not just yet. And please, Jack, don't you say a word about it."

"All right, Miss Cynthia. I won't say a word."

As the tall girl and the yet taller boy came back into the office, where the policemen had gathered, each glanced furtively about and masqueraded an air of nonchalance. The face of the boy was very grave. That of the girl was ghastly almost as the face of John Theobold himself who was lying there in the inner office with his muscles stiffening in death.

Chapter VI

The District Attorney Takes a Hand

MISS CYNTHIA COLLINS was not the only person who read with exceptional interest the account in the evening papers of the alleged spectacular manner of John Theobold's death. The District Attorney of the City of New York was another interested reader. After he had finished the account, he smiled grimly, and sent for one of his assistants.

"Webster," he said, when his aid appeared, "have you read this tommyrot story of the killing of a man in an office building up near Herald Square by a hatpin dropped from that airplane?"

"Yes, I read it. Also we had a report on the thing from the Inspector."

"I suppose McFalcon was on the job?"

"Yes."

"I thought so. McFalcon has the finest moving-picture imagination on the whole force. I suppose it's better to have that kind of an imagina-

tion than none at all, like most of the others, but there are limits. Suppose you take this case in charge, and run up there the first thing in the morning and find out something. Know anything about this man Theobold?"

"Only that he was a kind of promoter. One of the fellows that will furnish any amount of ocean if you will furnish just a few ships—and let him have the long end of the profits. Average type of man of that sort. Honest enough to keep out of Sing Sing, but without a very wide margin. A bit of a woman chaser."

"I see. The same old story. Probably had a few business associates on one hand or husbands of women friends on the other who wouldn't worry much if a hatpin or a bomb or something—or perhaps a bullet—did go through him. Well, see what you can make out of it."

Thus it happened that David Webster, credited with being the most logical-minded member of the District Attorney's staff, put in his appearance at the office of Theobold & Co. at an early hour the next morning, and began an investigation of the circumstances attending the death of the senior partner.

He began by getting the lay of the land. A public hallway leading to the elevators separated

the main offices of Theobold & Co. at the left from the private office on the right. The latter had but a single entrance door, and consisted of a large room with a board partition at the corner farthest from the entrance portioning off the space that had constituted the sanctum sanctorum of the head of the firm.

Officer Finnigan was on guard at the entrance door, and he led the way across the room and unlocked the door bearing the legend "No Admission."

"There's where he was laying, over by the window where you see that blood stain," he said, "They took him away after the inquest last night. McFalcon and the Inspector think he was hit by something from the airplane, but according to me it was just a plain case of shootin'."

Webster said nothing for a moment, but scrutinized the contents of the little room. It was a typical New York business office: a table at the left, a roll-top desk over by the window, and a private safe against the wall a few feet beyond the desk. The partition that shut off this space from the rest of the room, and gave it a measure of privacy, consisted of the usual oak base with glass top—just thick enough to shut off the sound of ordinary conversation, if one does not raise one's voice too high.

"Any shooting in here would be heard as plain as day in the outer office," said Webster presently. "Who was in there?"

"Secretary chap named Crosby. He's the boy who did the shooting, or I miss my guess. But I couldn't make McFalcon or the Inspector see it, after they got their minds set on this hatpin business."

"Who else occupies that office?"

"Only a good-looking stenographer girl and a big overgrown office boy, the one that is out there now. The girl and Crosby are chums, I take it. I shouldn't wonder if she knew a good deal more about this than she wants to tell."

"I will see them when they come in. Meantime, I'll have a talk with the boy. Send him in here, please, and you keep tab on the outer door."

The attorney was a man of medium stature and rather full figure with smooth-shaven, youthful face belying the baldness of his crown; and with twinkling eyes, a smile that suggested sophistication or cynicism, and an ingratiating manner. In a moment he had made Jack Henley feel quite at home, and in two minutes had him talking as freely as if he had known his interlocutor for a lifetime.

"Jack, I want you to tell me everything that you

remember about what happened in this office yesterday morning before Theobold was killed. Tell it your own way, and don't keep anything back."

"Why, not much of anything happened, sir. I was here early and opened up the office as I always do, and Miss Collins and Mr. Crosby came in about half-past eight."

"They came together?"

"Yes, sir; they almost always do."

"Did you notice anything peculiar about their manner?"

The boy looked up as if he found the question startling. He appeared to hesitate.

"Tell me all about it," said the attorney, ingratiatingly. "Did they seem excited or angry, or anything?"

"Mr. Crosby seemed angry, but I think Miss Collins was trying to make up with him."

"I see. Been having a lovers' quarrel, I take it. Did you hear anything that gave you any notion as to what the quarrel was about?"

"Well, you see, sir, I don't like to say anything about it, but I suppose I ought to. Mr. Crosby was angry because Miss Collins had lunched with Mr. Theobold the day before. Miss Collins said it was just part of the work, so they could

talk over some letters and business matters. And he said, 'Yes, I know how much *business* has to do with it,' and things like that. Then she got angry, too, and they didn't speak to each other any more but went over and sat down at their desks and went to work. I was awfully sorry, for I knew Miss Collins didn't mean anything by it."

The attorney appeared to meditate, and hummed a little snatch of song under his breath. He tapped his fingers on the desk, and the way he wrinkled his brow suggested the mental attitude of one who is putting two and two together.

"Lovers have always quarrelled, Jack, and always will. It's part of the game. What happened next?"

"Nothing, for a while. They just sat there, Mr. Crosby bending over his desk and scowling, and Miss Collins pounding at the typewriter, and I was over at my desk, wishing I could say something to make them see how foolish it was to quarrel, for I like both of them a lot. But I thought it wasn't any use just then to try, and so I worked away on the mail-order list, and nobody came in until Mr. Theobold arrived."

"What time was that?"

"He always came in exactly at nine o'clock. That makes me think of something."

"Yes?"

"Why, that clock up there is seventeen minutes fast, and if you don't mind, I'll set it right."

The attorney took out his own watch and looked at the clock.

"Yes, I see that it is, but what made you think of it?"

"Why, when Mr. Theobold came in yesterday, he called me in here and said 'Jack, it's a blame sight better to be ahead of time than behind time, but it is best of all to be just *on* time. That clock is seventeen minutes fast. Suppose you set it right and keep it right. I might try to catch a train by it some time, and lose seventeen minutes. And seventeen minutes of my time are sometimes valuable.' He said that, or something like that."

"But I see that the clock is still seventeen minutes fast. Did you set it?"

"No, sir. He said not to do it just then, because he was expecting some men, and he wanted me to go on an errand, and when I got back, *it* had happened, and I forgot all about the clock until just now. So I'll set it now if you don't mind."

"All right; go ahead. The clock is exactly seventeen minutes fast, for I compared my watch with the Pennsylvania Station clock as I came by a few minutes ago."

"I set my watch by it, too," said the boy. "I remembered about the clock, and I wanted to have it just right, but I couldn't get into this office until now because the policeman had the door locked."

The boy adjusted the hands of the clock, and the attorney noted by comparison with his own watch that it was done accurately. "A good, methodical lad. I can depend upon what I get out of him," he commented, mentally. And aloud he said:

"You say Theobold always got here exactly on time. He was apparently annoyed to find the clock out of kilter. Yet from what you say he took it good naturedly. I infer that he was a pretty even-tempered, good-natured sort of man."

"Not always. There were some mornings when if he found the clock two minutes out of the way he would have made an awful fuss. But he was feeling good yesterday. He had a business deal on that pleased him, and when he was in good humour he was as nice as he could be."

"What was this business deal?"

"I don't know just what it was, of course. But it was something that had to do with Doctor Harris and Captain De Lage. They came in only a few minutes after he did, and they were in here alone with him for five or ten minutes, and then he

called me in to put my name on some papers as witness to the signatures, and I saw that he was smiling and feeling very happy. And I remember something else, too, that happened before they came."

"What was that?"

"Why, after he spoke to me about setting the clock right, he stepped over to the safe, and I jumped ahead and opened the safe door for him, and he said 'Good boy, Jack. Always on the job.' I had opened the safe lots of times for him before, but I don't remember that he ever said anything about it, so I know he must have been feeling extra good or he wouldn't have noticed it."

The attorney glanced over at the safe, and then turned in his chair and appeared to meditate for a few minutes before he spoke again. Presently he said:

"You opened the safe for him? After he got out the papers, did you close it again?"

"I don't just remember, but I don't think so. I think it was still open when I came in to witness the papers, while Doctor Harris and Captain De Lage were here. I am not quite sure, though, but I know it was closed when I came back after Mr. Theobold was killed, for I was looking all around the office to see if I could find if a bullet

struck anywhere, and I remember just how everything looked then, and the safe was closed."

The attorney seemed to meditate for a moment, then stepping across the floor he tested the handle of the safe. It was locked.

"Who knows the combination of the safe? Do you?"

"No, sir. Miss Collins always opened the safe. She'll be here pretty soon, for she always comes at half-past eight."

"All right. Meantime, let me hear what else happened. Who are these visitors you speak of, Doctor Harris and Captain De Lage?"

"Why, Doctor Harris is an inventor. He isn't a medical doctor, but some other kind—a Ph. D., I think they call it. He has a laboratory over in Brooklyn where he makes a lot of experiments, and Captain De Lage is there with him. Captain De Lage is a Frenchman, and was in the war, but got wounded, and is over here about some invention that Doctor Harris has. It has something to do with guns, I think, but I don't know just what."

"They had been here to see Mr. Theobold before?"

"Oh, yes, quite often; especially Doctor Harris. They were very good friends. You know Mr. Theobold was interested in inventions, and I

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think he loaned money to help the inventor. He did the same thing for Señor Cortez, I think?"

"Señor Cortez? Who is he?"

"He is a man from South America who has an invention that goes on a pistol."

"Was he here yesterday?"

"No, sir; but his wife was."

"She was here with Doctor Harris and Captain De Lage?"

"No, sir. She came after they had gone. Mr. Theobold said he would send them—that is, Doctor Harris and Captain De Lage—over to Brooklyn in his automobile, and he went with them out as far as the elevator, and then I went on the errand he sent me on, and the last time I saw him alive was there in the hallway when he was coming back from the elevator, and then I was away until after it happened. But when I got back they told me that Señora Cortez had been in there with Mr. Theobold only a little while before he was killed."

"Who told you that?"

"Miss Collins. She wasn't there either at that time, and she didn't see Señora Cortez, but Mr. Crosby told her she had been here. Miss Collins calls Señora Cortez the gypsy, because she has a dark complexion and black eyes. Miss Collins

doesn't like her very well, but I think she is awfully nice."

"Wait a moment, please. Let me get this thing straightened out. You say you saw Doctor Harris and Captain De Lage leave, then you went away, and you don't know anything more at first hand of what happened until you came back and it was all over. But Miss Collins told you that Mr. Crosby told her that there had been another visitor. Suppose you ask Miss Collins to step in here if she is out there. It is after half-past eight, and I think I heard somebody come in."

In a few minutes Miss Collins was closeted with the attorney in the private office. She looked very pale, and pallor did not become her type of beauty, rosy cheeks being ordinarily one of her chief assets. The girl's eyes met the inspection of the attorney unflinchingly, and the firm set of her jaw did not suggest a source of easy information if perchance she had anything to conceal.

"Miss Collins," the attorney said with seeming casualness, "I wish you would tell me just what you know about the incidents that happened yesterday morning prior to the death of Mr. Theobold."

"There is very little that I know," the girl answered after a moment. "I came to the office

as usual, and transcribed some notes. Mr. Theobold arrived and about fifteen minutes later Doctor Harris and Captain De Lage came in. After they went away Mr. Theobold told me I had better go up on the roof to see the airplane. He told me to come back at ten o'clock to take some dictation. And when I did come back I found him lying there dead!"

"Was any one in the office when you came down from the roof?"

"Mr. Crosby was there."

"Did he say anything to you?"

"He said that Mr. Theobold had rung the bell for me five minutes before. And he mentioned that Señora Cortez had called to see Mr. Theobold."

"Why should he mention that? Is Señora Cortez a friend of yours?"

"Not particularly. I suppose he just happened to mention it. I don't know why he did."

"In any event, you did not see her."

"No, sir, not that morning. I was up on the roof, as I told you."

"Did you have any conversation with Mr. Theobold before you went up on the roof? Had you taken any dictation that morning, for example?"

"No; he seldom gave dictation until after ten o'clock. I saw him only a moment before Doctor Harris and Captain De Lage came."

"What did he say to you?"

"He asked me to go to lunch with him—to discuss some letters and business matters."

"And you said you would go?"

"One hasn't much choice under the circumstances."

"I suppose not. Did Mr. Crosby know you were going?"

"He may have known it."

"Was there any one here in the office when you went up on the roof except Mr. Theobold and Mr. Crosby?"

"No."

"And there was no one in the outer office when you returned except Mr. Crosby. And Mr. Theobold was lying in here dead. Has it occurred to you that that makes things look rather bad for Mr. Crosby?"

"But Mr. Theobold was killed by—by something that fell from the airplane. The police officers say so. Mr. Crosby could know nothing about that. It wouldn't make any noise."

"I know the police have that theory. But between ourselves it doesn't sound altogether plaus-

ible, now, does it? Has it occurred to you that Crosby may have been jealous of Theobold's attention to you, and that in a fit of jealous rage, he might have come in here, when no one else was about, and——"

By way of completing his sentence, the attorney waved his hand expressively over in the direction of the window, where the pool of blood had left its stain.

Miss Collins moistened her lips two or three times before she attempted to speak. The muscles of her jaws twitched perceptibly, but she still looked the attorney squarely in the eyes as she said in a firm, even tone:

"It is absolutely impossible. You do not know Mr. Crosby, or you would never suggest such a thing."

"Possibly not," said the attorney, drily. "And mind you, Miss Collins, I am suggesting nothing. I am only thinking aloud. Offhand, it's a little difficult to see how a man could be killed in here without the knowledge of any one just the other side of that thin partition. However, never mind that for the present. There is something else I want to ask you about. Do you remember if the safe was open when you came in yesterday morning and found Theobold lying dead?"

"The safe? I did not think anything about the safe."

"Of course not. You would naturally think of nothing at the moment but the man lying there. But afterward, you might have noticed. It was your business to look after the safe. If it chanced to be open, you would very likely close it, when you knew the police and other people would be coming. Try to recall just what happened. Do you remember closing the safe?"

"If it was open, I must have closed it, because I know it was closed when the officers were searching the room."

"Well, don't you remember closing it?"

"Yes, I think I do. I think after I telephoned for the police and the doctor that I noticed the safe being open, and that I went over and closed it, but without thinking anything about it."

"A very natural thing to do. And now would you mind opening that safe for me? I want to have a look, and find out, with your aid, if anything inside appears to have been disturbed."

"Nothing could have been disturbed, for Mr. Theobold himself was in here all the time."

"Of course. But suppose we have a look."

The girl went over to the safe and began turning the knob. She appeared to work automatically,

but her hand trembled, and once she apparently turned the knob past the proper figure, for she gave an exclamation of impatience, and brought the index pointer back to zero, starting over again. Presently, however, she completed the combination, and twisted the handle. The attorney swung the outer doors open and the inner doors in turn. Then he whistled softly.

"Hello!" he said, meditatively. "What do you make of that?"

He indicated a roundish and blackish object of irregular contour, ill-defined in shape, suggesting a fragment of crude rubber, which lay in the bottom of the safe in an empty compartment. Reaching down, he touched the object.

"It looks like rubber, but it feels like lead," he said, presently. "And do you see that hole in the ledger, and that mark back there against the wall of the safe? I fancy the thing hit there and bounded back. I guess now we're on the track of the thing that killed Mr. Theobold; eh, Miss Collins?"

As he spoke the attorney was watching the girl's face intently. But she did not flinch.

"It's impossible," she murmured. "He did not do it. He could not have done it."

Then her lips moved inarticulately, and her

eyes were wide and staring. But the next instant she drew herself up quickly, with a proud toss of her head, as the attorney stepped forward, reaching out his hand to support her.

"I'm all right," she exclaimed. "It startled me, but I'm all right. And no one shall dare to say that he did it. It was the gypsy. It must have been the gypsy."

The attorney stepped to the door, and there was a note of excitement in his voice as he said:

"Finnigan, suppose you call up the Inspector, and ask him to come over. He missed a little evidence that I should like to show him."

Chapter VII

A Fresh Clue

WHEN the guardians of the law reassembled in the offices of Theobold & Co. fifteen minutes later, to examine the new evidence, there was of course a precipitate change of front.

Hatpins are picturesque weapons, but their significance was necessarily modified, to say the least, in the presence of that tell-tale bullet.

With rather obvious pride the Assistant District Attorney showed his find. Then remarking that he was going to look into another aspect of the case, but would return presently, he withdrew, leaving the Inspector in charge.

Finnigan, of course, was now in his element. His star, which had temporarily gone under a cloud, was in the ascendant. To him at least it was clear that he had scored a point over the rival who usually outshone him. The famed detective probably felt a measure of chagrin, but he disguised the fact very well, and

bestirred himself to get the wind of Finnigan's sails.

Not unnaturally, however, the Inspector now gave Finnigan the floor. And that sagacious official made the most of his opportunity. He reminded all present that he had "told them so" from the outset, and reiterated his reminder with all the variations permitted by his vocabulary. Moreover, he felt called upon to explain the exact details of the murder—"murther" he called it—and he dwelt upon the word with delectation, especially when McFalcon was within earshot.

"I kin see the whole thing," he said, pantomiming his own story as he talked. "Our old friend was over at the safe, stooping down on his knees like this, to get at some papers there at the back. This secretary guy slips in, tiptoes behind the desk, and blazes away. The gun is only three feet from our old friend, and he couldn't miss. But our old friend is game. He don't die in his tracks. He jumps up, turns around, and makes a grab for the gun. The murtherer"—again he dwelt on the word lovingly—"jumps back; and Mr. Theobold falls forward there by the window, where we found him. It's all as plain as the nose on your face."

The nose on Finnigan's face was very plain in-

deed. It was so much in evidence that on at least two occasions it had come in the way of a fist or a club with effects permanently damaging to its beauty. But of course Finnigan had not used the word "plain" in just the sense that a glance at his nose might imply. What he meant was that the story was clear, explicit, unequivocal, and carried to the point of demonstration.

Had he been a geometrician he would have written Q. E. D. after his explanation.

Unfortunately Finnigan lacked scholarship for such a climax. Conceivably McFalcon, had the cases been reversed, might have managed it. Now, however, the latter was by no means disposed to put any such imprimateur on Finnigan's story. On the contrary, he held his nose in the air and gave Finnigan a look that he probably intended to be condescending, but which undoubtedly lacked something of carrying conviction. But a great detective must be equal to any emergency. He must, among other things, be an adept at the art of sparring for wind. If, on the inside, McFalcon felt a bit groggy he maintained exteriorly a shade more than his average degree of imperturbability as he said:

"Hold on, hold on, Finnigan. That antediluvian 'told you so' stuff is bunk!" ("Ante-

diluvian" was a word that McFalcon had upon in his reading. He had treasured it, pos anticipating such an emergency as this.) "W you told us was that Theobold was standing by the window, and that someone came up behind and shot him dead in his tracks. Hold to your story, man."

Finnigan looked a bit sheepish. Undoubtedly he stood a good deal in awe of McFalcon's superior wisdom, and although he felt sure enough of his ground now, he had an uneasy sense of dread that conceivedly the detective might have a card up his sleeve that would out-trump him. But he stood his ground, as might confidently have been predicted of a man with his name, his accent, and—last but not least—his nose.

"Shure I did!" he exclaimed. "That was what the ividence seemed to warrant on the instant. But now we have new ividence that warrants a new hypothesis."

Finnigan's face beamed as he said the last word. That "antediluvian" of McFalcon's—not to mention the "obsolete"—had disturbed him; but now, as if by inspiration, a word that fully matched the detective's came to his own tongue. It heartened him greatly, as was evident from the tone with which he continued: "The preliminary hypothesis

was a bit wrong as to the detail of standing by the window. But the main hypothesis of murther is sustained by the new ividence. And who was it that said the man was murthered from the start, I ask?"

The word hypothesis which made such an appeal to Finnigan's sense of proportion, and rolled with such sonorousness from his tongue, is a word whose importance fully matches its length. There is no walk in life in which it does not play an important part, and there are many walks in which it may be said to play a preponderant part. Hypothesis was what led the great Darwin to his famous solution of the origin of the race; hypothesis led the incomparable Newton to the Law of Universal Gravitation; and hypothesis governs a good share of the activities of every-day mortals.

But the great difficulty with the hypothesis is that its name is legion, and that if you mount the wrong member of the troop, it can carry you away from the truth as fast as the right one could carry you toward it. Indeed a wrong hypothesis seems to whirl you along at dizzy speed, making it impossible for you to see anything but the one idea you are pursuing. Meantime, some other important idea may safely take to cover.

Thus it was, for example, with the hypothesis

connecting the death of Mr. Theobold with an airplane and a hatpin, which the doughty McFalcon bestrode so valiantly only yesterday. It caused the great detective and the others who clattered after him to fix their eyes on that hatpin with something approaching a hypnotic stare. They could see nothing else. Their minds went careening off into space with the airplane. They became oblivious of their immediate surrounding. Reposing full faith in a hatpin, they had quite forgotten to search for another weapon.

Finnigan, to be sure, who did not accept the airplane hypothesis, had taken pains to see that no one who left the office, including in particular the private secretary, had a pistol concealed about his person. Even that degree of precaution was something, but it lacked a good deal of comprehensiveness, as the inspector now realized—since the new hypothesis was carrying him headlong in another direction.

Of a sudden the brilliant deduction came to his mind that a pistol bullet sent through a man and lodged in a safe implies a pistol that has done the sending. What had become of that pistol?

This brilliant deduction, followed by the interesting query, instantly turned the tide of affairs

inside the office, and put a period, for the moment at any rate, to the dialogue between the rival detectives.

"Can that guff, boys," said the Inspector in his customary monosyllabic diction. "Can that guff, and make a hunt for the gun that did the job for the old boy."

With all due expeditiousness (lacking just about twenty-four hours) the search for this weapon was now begun. The search was a thorough one. No nook or cranny of the office was neglected. But the gun was not forthcoming.

Obviously some new hypothesis was required to explain the absence of the weapon. And needless to say, the necessary hypothesis was to the fore in a twinkling. If the famous monarch who recklessly offered his kingdom for a horse had called for an hypothesis instead, he would not have been kept waiting one tenth of a pulse-beat.

In the present instance, Finnigan, being fully astride the main murder hypothesis, had a led-horse hypothesis at his saddle bow in an instant.

"The murtherer had a confederate," he said. "He got away with the gun and loot. This guy that did the shooting"—indicating Crosby, who stood with blanched face and a dazed expression—"admits that he was here alone when it happened,

while all the rist of thim was up on the roof. He *was* alone after his pal left. Or he *would* have been alone if he hadn't had his nerve with him. He had the nerve, all right—to think he could put over a game like that. And the worst of it is that he came near gettin' away with it."

Finnigan cast a condescending glance at McFalcon. And without a doubt his remark got over the footlights.

But McFalcon now showed his mettle. Luck had been running against him, but his wits were working, and the recent developments had been more to his liking than one would have suspected. In spite of his demurrer, he had instantly recognized the plausibility of Finnigan's contention, both as to the manner of the murder and the presence of an accomplice. Indeed, the thing had been so obvious that he dismissed at the outset the thought that a revolver would be found, and set himself the more congenial task of searching for a different clue.

And while the others were making their futile search for the weapon, he had found his clue. As Finnigan taunted him, he smiled back serenely and beckoned the Inspector to his side.

"Take a slant at that," he said, with an attempt at casualness, holding up a long envelope.

The Inspector gave an inarticulate grunt of surprise.

"Where did you get it?" he queried.

"Found it in this bunch of papers that the doctor took from Theobold's coat pocket at the inquest yesterday. You remember he said they might as well be left here as they had no bearing on the case. Forgot to use his eyes, though. How do you suppose he overlooked that?"

The Inspector gave another grunt, indicating an appropriate degree of astonishment and full appreciation of the medical examiner's mental obtuseness and lack of vision.

"Pretty a finger print as you ever saw, ain't it? Made with Theobold's blood, while the guy was going through his pockets. This letter had no value, so the guy didn't take it. But he left his mark on it, and with that to guide us we'll get him as sure as shooting. No need to care about the gun now."

Finnigan was an eager observer. He accepted the new find as adding to his own credentials.

"Not much doubt about the murtherer now, eh, McFalcon? And if you make the test you will find that this secretary guy has a finger-print to match that one."

"Wrong again, Finnigan, wrong as usual. I

have already taken a finger-print from the young man while you were looking for the gun you didn't find, and his print is altogether different. The fellow who made this mark was the accomplice. Now I'll soon run him down, and the thing will be settled."

Finger-prints were not in Finnigan's line. He realized the value of the evidence, but now he rather resented it, for he felt that it was tending to take the case out of his bailiwick and into that of his rival; and he had the uneasy consciousness that McFalcon would presently be fully astride the new hypothesis, get control of the situation, and be in position to claim full credit for clearing up the entire incident. Still, nothing could take from him the satisfaction of having been first to name the chief malefactor.

Crosby, in the meantime, had almost collapsed into a chair, and was sitting with his head resting in his palms in an attitude of utter dejection. Finnigan put a hand roughly on his shoulder.

"Always wrong am I, eh? Who spotted the murtherer at sight, when no one else could see him? Tell me that."

But McFalcon smiled only the more exasperatingly.

"Any one who has the luck to get there first can

apprehend the criminal who is still on the job," he said. "The real problem here is to apprehend the accomplice. That, I take it, is my part of the programme. And I fancy this document will lead me to him."

He turned again to the inspection of the incriminating finger-print, oblivious, seemingly, of the presence of any one; and from the intentness of his scrutiny one might have felt that he intended there and then to substantiate the claim sometimes made for him by his admirers, that he could summon up at will and construct out of his own consciousness a picture of any criminal from the inspection of the telltale marks of that criminal's finger—somewhat as the professor of palentology at college is believed by the awed students to be able to reconstruct the entire body of an antediluvian reptile by inspecting the smallest of its fossil phalanges.

Chapter VIII

Enter the Gypsy

IT WAS doubtless fortunate for Miss Cynthia Collins that she was not present during the latter part of the seance, at which the web of crime was drawn about her fiancé.

In company with a policeman, she had gone on a mission not at all to her liking. The object of the quest was to find, if possible, the woman who, according to the story told by Crosby, had been with Mr. Theobold a few minutes before his death.

Miss Collins had met Señora Cortez several times, and had conceived a strong dislike for her, chiefly no doubt because the woman had shown a propensity to stand and chat with Crosby on her way to and from the private office, although the ostensible object of her visit had always been a consultation with Mr. Theobold. She knew that Señora Cortez often came to the city on a morning train from Long Island, and she and a plain-clothes man had been sent to the station by the

Inspector so that the lady might be identified and intercepted.

If Crosby's story was to be believed, this woman was the last person who had seen Mr. Theobold alive, except the secretary himself, and her testimony as to what occurred in that interview would have obvious interest, if not actual importance.

The quest was successful, and Miss Collins and the detective returned, accompanied by the woman in question, just as the officers had given up searching for a revolver and had witnessed the finger-print demonstration.

It was not obvious at first glance why any one should have characterized the newcomer as "the gypsy." She was a very petite and a very demure person, rather fashionably but quietly and unobtrusively garbed. She wore no jewels of any kind, and the only thing gypsy-like about her, to casual inspection, was the mass of jet-black hair that was coiled at the back of her head. Her eyes, to be sure, were also of velvety blackness, but they were soft and alluring, and quite without the sinister glitter that one associates with the eyes of the nomadic sisterhood.

The woman's face was unquestionably beautiful; the nose was classically Grecian in its outline, the mouth small and thin lipped; the skin pale

but not sallow, yet with just a suspicion of olive, to set off the brilliant whiteness of the teeth revealed when she smiled.

She smiled now in the most gracious manner, and her eyes were big and questioning, but quite unafraid, as she extended a hand to the Inspector.

"I am Señora Cortez," she murmured in a voice that revealed just enough accent to give it charm. "My friend Miss Collins tells me that you wish to see me, and I have come. This gentleman very courteously escorted us. Oh, it is very terrible, the death of Señor Theobold. He was my good friend. Only yesterday I saw him here so well and happy. I cannot make myself believe that he is gone. It is terrible."

"Please sit down, Ma'am," the Inspector returned, assuming his most courtly tone and manner. "I want to ask you a few things. Tell me what you know about this case."

"Most gladly, Señor. But I fear I know very little. I knew Señor Theobold socially. We became good friends. He advised us about some business matters—some property in Mexico; the purchase of some stocks. Only yesterday I came to consult him. I was to have seen him again to-day. And now—he is dead. I cannot dream

who could have wished to kill him. He was our good friend."

"What did you talk about yesterday when you were here?"

"Must I tell everything?"

"Just that."

"I asked him to return some papers my husband had placed with him. He said he had already sent them by a messenger. Then we stood a moment at the window, looking up at the airship, and I said I must go, and he said—something of no consequence; and I went out, and he came with me to the outer door."

She paused, and glanced almost appealingly from one to another of the persons in the room; then turned again to the Inspector, and seemed to look deep into his eyes.

"Oh, no, no!" she said in a tone of earnest entreaty. "It was not what you think; certainly not, Señor. We were good friends, nothing more. It was true that my husband was jealous—I must tell you all. But his suspicions were quite silly. Señor Theobold was his friend as well as mine."

At this point McFalcon, who was still ostensibly studying the finger-print on the envelope he held in his hand, looked up quickly, with an expression

that might safely be interpreted as saying: "Memorandum—Look up friend Cortez, and finger-print him."

Something of the same thought apparently came into the mind of the Inspector, for he queried with more animation than was his wont:

"Where is he now?"

"My husband? He is doubtless in his office. He is in that building over there." She stepped to the window and pointed. "The one just on the other side of Broadway. Those are his windows on the fifteenth floor. One could signal him from here."

"H'm! Is that so?" And at that moment, without doubt, there grew in the Inspector's mind what he, as a man addicted to monosyllables, would probably have described as a "clue," but what had the earmarks of relation to one of Finnigan's hypotheses. His mask-like face did not change, however, as he said in characteristic monotone and monosyllable:

"I think I'll get you to go down in my car and have a talk with one of my men."

"I shall be highly honoured. Is it to the police station I have to go?

The Inspector nodded. He never wasted words when look or gesture would serve the purpose.

"Ah, that will be most interesting. I have often wished to visit a police station. I so greatly admire you splendid men in uniform."

"All right. Daly will take you. Mel, 'phone the Doc that they're coming."

Señora Cortez smiled a gracious adieu as she left the room. Undoubtedly she had a most engaging manner.

McFalcon stepped to the 'phone and gave the message as directed. As he hung up the receiver, he muttered, seemingly to himself:

"The chief falls for a skirt like that always, and falls hard." Then he seemed to ruminate for a moment before he added: "But she *is* some skirt, I'll admit."

"Mel," said the Inspector, "let's go over and have a chat with the little dame's husband. I think he may be able to tell us a thing or two about this murder."

"I'm with you," said the detective. "I sure do want to finger-print that gent."

Chapter IX

A Guilty Man or an Innocent Man with Imagination

CORTEZ received his visitors with suavity matching that of his wife. The traditional courtesy of the Spanish grandee is the common heritage of the descendents of the men who settled the South American continent. Cortez was Brazilian by birth and training, but had lived some years in New York, first as an attaché of the Consulate, and later in private business.

If the Brazilian was surprised at this presumably unexpected call from two police officials, nothing in his manner showed it.

"We are from the station," said the Inspector, with customary blunt directness. "We came to have a talk with you."

"I am highly flattered, gentlemen. I am quite at your service. What can I do for you? Permit me to offer you cigars. I wish I had better ones, but these at least are of pure Brazilian tobacco."

The Inspector put a cigar in his mouth and two

in his pocket, and the detective followed his lead. Then the two seated themselves, and the Inspector casually motioned Cortez to his own chair at the desk. The Inspector fixed his eye on the Brazilian's face, but the detective scrutinized his hand. He was eager to get at the matter of the finger-prints.

Presently the Inspector queried:

"Cortez, where were you when the bird-girl was going over?"

"Yesterday morning? I was down in the street —there at Broadway—just as she passed over on her way back to the Battery. I had just come from my home on Long Island and was walking from the Pennsylvania Station. Everyone was looking at the airplane, and I stopped to see it."

"H'm! What time did you get here?"

"Here at the office? It was about twenty minutes after ten, I should say. The train was a little late. It should reach the station at ten o'clock. It really came in six or seven minutes later. I usually walk to the office in four or five minutes; but yesterday, as I said, I stopped to look at the airplane."

"Did you speak to any one you knew?"

"No; I saw no one that I knew. I was there with the crowd, and I may have made a casual

remark to some stranger. Everyone was talking. But I saw nobody that I knew."

"I thought not." The Inspector spoke with suggestive emphasis, and he nodded to the detective, who instantly took the cue.

"Cortez, do you mind touching your fingers to this ink pad, and just pressing them on a sheet of paper."

The detective spoke ingratiatingly. His voice had a rising inflection. But there was no question mark after the meaning of his comment. His suggestion was a command and not a request.

"Señor! What do you mean?"

"Nothing; nothing at all. But I am making a little collection of finger-prints, and I would like to take a glance at yours. This is quite unofficial, you know—not for publication. If you are an innocent man, you can have no possible objection."

"An innocent man? I do not comprehend you."

The Brazilian had risen to his feet. His face went deathly pale. His hands trembled. He glanced from the Inspector to the detective and back again to the Inspector. His eyes had an expression of wonderment verging on terror. Finally he gasped:

"Of what do you accuse me, Señor?"

"Never mind that. Just put your fingers on

this pad. If you don't care to do it here, we'll hustle down to the police station and have it done there."

Cortez settled back in his chair and seemed on the point of collapse. But he put out his hand and pressed his fingers to the ink pad, and then on the paper, without further protest. The detective scrutinized the imprint intently.

"How does it look?" asked the Inspector.

"Well I can't say, offhand. There is undoubtedly a similarity, but I am not prepared to say that there is identity. It requires study."

He folded the sheet and put it in his pocket.

"Meantime, I suppose you'll have no objection to having us look around a bit, Cortez. Let us see what you have in these drawers, for example."

The detective began opening the drawers of the desk. As he fumbled in the bottom of one of them, he gave a grunt of surprise and satisfaction.

"Huh! what do you say to this, Inspector?"

He held aloft a big military revolver, in a holster.

McFalcon took the weapon from the holster, and opened it to examine the contents.

"Hello! Not loaded, eh? Just about what I thought."

The detective held the barrel to the light and glanced through it.

"Clean as a whistle," he said. "Thought it would be."

He fixed his professional eye intently on Cortez and demanded:

"How long since you have shot this?"

"Not since I have been in America, Señor. It has not been loaded since I have been in New York. In Brazil I carried it—I had need to carry it. But not here."

"You know how to shoot it, I suppose?"

"To be sure. Every Brazilian knows how to shoot. I can shoot better than some, and not so well as others. That is, I could. Now, I do not know. I have not had a pistol in my hand for years."

"Are you right sure you didn't have this pistol in your hand yesterday?"

"Never, Señor. I have not taken it from the case for many weeks."

The Inspector, meantime, had been rummaging about the desk. Now he interrupted:

"See here, Mel, what do you make of this?"

He exhibited a large envelope bearing the name of Theobold & Co. and pointed significantly to the postmark. It bore the stamp of a Brooklyn station, and the date of July 8th; the hour 6:30.

"Mailed in Brooklyn after office hours last

night. Directed by hand instead of with a typewriter. A bit odd, eh? Now I'd just like to know whose script that is—then we might be on the track of something."

The Inspector was examining the contents of the envelope.

"Can't make much of this thing," he said. "It looks to me like the plans for a bomb or something of that sort. Cortez, I think we will ask you to come with us to the station. Bring along the gun, Mel."

Cortez picked up his hat and followed the Inspector with the aspect and manner of a man who is marching to the gallows. The detective came after, having taken the precaution to feel the Brazilian's pockets to make sure that no weapon was concealed.

"Guilty, all right," he mused, half aloud, "or else only scared. Darned if I know which. Perhaps the fellow has some imagination, and sees that it looks like we've caught him with the goods. Maybe we have and maybe we haven't. Anyhow, if he knows anything we are pretty likely to get it out of him."

As they came to the Inspector's automobile, the detective paused and jerked his thumb in the direction of the Schuyler Building.

"I think I'll run over and see what's doing in Theobold's office," he said.

The remark seemed to affect Cortez like an electric shock. He turned on the detective with an eager, frightened look.

"Theobold?" he whispered. "Señor Theobold is dead?"

"Yes, dead as a door nail. Somebody shot him with a pistol just about like yours."

"Señor!"

The Brazilian's lips seemed to frame a question, but no further sound came from them. He merely stared at the detective, and the pupils of his eyes dilated, his face blanched to that ghastly almost greenish colour that for the olive-skinned is the counterpart of pallor.

"You knew Theobold, I take it."

"Yes, Señor, I knew him—a little. But I have not seen him for more than a week. Señor, you do not think that I saw him yesterday? You do not think——"

"Never mind what *we* think, Cortez," broke in the Inspector. "Come. We want to find out what *you* think—what you *know*."

The automobile rolled away, and McFalcon crossed Sixth Avenue and walked along Thirty-first Street to the Schuyler Building.

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Chapter X

When Doctors Disagree

AT THEOBOLD'S office McFalcon found an excited and disconsolate company.

Miss Collins met him with tears in her voice if not in her eyes. Jack Henley's expressive face fairly revealed the apprehension that was in his mind. And Doctor Harris and Captain De Lage, who were presented to the detective as friends and business associates of Mr. Theobold, showed by their gravity of demeanour that they felt a sense of personal bereavement or were keenly in sympathy with the others.

The detective looked from one of these newcomers to the other with a searching glance. Presumably he was photographing their faces on his brain. Presently he spoke:

"Doctor Harris, I understand that you and the Captain were here to see Mr. Theobold yesterday."

"Yes; we were here for a few minutes having a business conference. We left about 9:30, and Mr. Theobold sent us to our office in his motor. We

had been there about a half an hour, I should say, when someone telephoned from here and told us of his death. That was about 10:30, wasn't it, Captain De Lage?"

"*Oui*, Monsieur; exactly 10:30. I recall looking at my watch at the time."

There was striking contrast between the Captain's manner and the modest bearing of Doctor Harris, as the latter said by way of further explanation:

"Captain De Lage and I have an office together over in Brooklyn. We are working on some military inventions. Mr. Theobold was interested in some of them to the extent of giving us some financial assistance. We came here yesterday partly to thank him for his aid, and to bring him an appreciative word from representatives of the French and the Italian governments—Monsieur Cambon and Signor Gardini. These gentlemen, by the way, were waiting for us at our office when we reached there yesterday morning, and they were still with us, discussing the invention, when the telephone message told us of Theobold's death."

Captain De Lage took up the conversation. But he appeared to address Miss Collins rather than the detective as he said:

"*Oui;* and even now Monsieur Harris and I have called upon Madame Theobold to express our sympathy and convey the condolences of Monsieur Cambon and Monsieur Gardini. It had been arranged that we were all to dine with Monsieur and Madame Theobold last night. We are vraiment bereaved."

As the Captain then endeavoured to engage Miss Collins in conversation, Doctor Harris turned to the detective and inquired with solicitude:

"On what conceivable grounds have they taken Crosby into custody?"

"We couldn't do anything else. He admits that he was in this room alone when Theobold was killed just in there beyond that thin partition. There wasn't any way for the man that killed him to get in or out without coming through this room. And how could he come through this room without Crosby seeing him?"

"Might he not conceivably have used a fire ladder and come up from a room below, or down from a room above? Or perhaps by a rope from the roof?"

"With about a hundred people on the roof, and about five thousand down there on Broadway and along Sixth Avenue, and on the roofs of those lower buildings over there—all of them looking up.

Good chance for a second-story man under those circumstances, wasn't there? Not on your life."

"But how about the airplane? They tell me it was flying over just about the time this happened. Captain De Lage here and I were watching it from my office window, over in Brooklyn. The aviatrix seemed to drop a lot of bombs that exploded midway in the air. Captain De Lage said they were bombs with a fuse, timed to explode way above the tops of the buildings. But he suggests that she may have misjudged her distance, or that a bomb may have failed to explode completely, and sent a fragment through the window here."

"*Oui*, Monsieur," broke in the Captain, excitedly, gesticulating in characteristic fashion. "I have been a member of the aviation corps, off there by Verdun. About bombs—surely, yes, I know something. Bombs may be timed to explode in any distance. It would be quite safe to drop a bomb from an airplane right over us here, if the airplane is high enough, and if there is no mistake. The modern high explosive shatters the bomb into little splinters. And these, falling a short distance, can do no harm."

"Hold on, Captain," the detective interrupted, "they tell me that even a pin dropped from one of

them airplanes might kill a man if it hit him down here."

"*C'est vrai, Monsieur, c'est vrai.* So it would be. But only if it came from very high. From the airplane where it was yesterday—surely, yes. But the bomb would be timed to explode only one hundred metres above the tops of the building, and from there the splinters would do no harm, especially if the bomb was made of lead."

"Wouldn't get momentum enough, eh?" The detective was evidently impressed, and, in the presence of this expert, anxious to show his own knowledge, even while acquiring information.

"Precisely so. Not enough momentum. But suppose, now, that one bomb was badly made, suppose it had not a good explosive. It might not explode on time, and when it did go off it might break the shell only into large pieces, and one of these might be driven through the window and cause the accident here. I am told that the missile looked something like a piece of a bomb."

"I've got it here in my pocket, and you can see for yourself what it looks like."

The detective produced a wallet, and extracted a wad of paper which he unwrapped carefully. Finally he exposed and held in his hand the object

that David Webster and Miss Collins had found in the safe.

"There; what do you make of it?"

The Captain made a ceremonious gesticulation, and bent over the object in about the manner, probably, that Marshal Foch might have assumed when inspecting military plans preparatory to deciding on some vast offensive movement along three or four hundred miles of trenches. He turned the object over, inspecting it from all sides and all angles. Finally he spoke:

"Monsieur, I express with diffidence an opinion. You also are an expert. I defer to your judgment. Yet I have had experience a little. I was not only at Verdun but on the Somme, in Picardy—all along the line. I have examined fragments of many, many exploded shells. But I would not be dogmatique. I defer to your judgment. What does Monsieur think?"

"Never mind what I think, Captain. I'll tell you that later. You have seen a lot more bombs and bullets than I have, and I want to know how this looks to you."

"Ah, you insist? Then I must tell you. I am not positive. I am not quite sure. But to me it looks very much a fragment of a bomb. If I must give an opinion, I would say that the thing hap-

pened as I have suggested. It is lamentable. I weep for my friend who but yesterday was here with us alive. It was a terrible accident. It is bad enough that men should be killed in war, but in times of peace it is horrible."

"That all sounds pretty good, Captain. But just kindly tell me what you make of this. When we came to search the pockets of Mr. Theobold we found that someone had been over him ahead of us, and left a bloody finger-print on an envelope. Bombs are all right, but they don't leave finger-prints, do they?"

"Ah, Monsieur, you astound me. Is it possible? That, of course, gives the matter quite another aspect. Perhaps after all this may not be a fragment of a bomb; perhaps it may be a bullet from a revolver. Striking against the steel safe, it would be all flat and distorted. It might look like this. I do not say. I have not said that it is a piece of a bomb. I only said it might be. But the finger-prints! Ah, that is most interesting and most suspicious."

"Yes, it is a bit suspicious. That's why we took our secretary friend out here in custody. He couldn't explain anything. Wouldn't talk about it, except to just stick to his story, claiming that he was in the office all alone and that no one came in or went out. Doesn't look good, does it?"

"But the finger-print—it was not made by Monsieur, the secretary?"

"No. But it's pretty evident that it was made by a pal of his. He saw the fellow come and go; you can bet your boots on that. But he didn't know the fellow had left any trademarks to trace him by. He didn't think there would be any evidence that he had a pal. So he thought his best way was to sit right there on the job and try to look careless. Figured, no doubt, that we would think it was a bomb from the airplane that killed him, just as you thought it was. I thought so myself at first."

"So I have heard," said Harris, smiling just perceptibly.

"Well, the best of us go wrong sometimes. But a little thing puts us on the track, and once we are on it isn't so easy to throw us off again. No, siree, Captain. I have great respect for your judgment, as a man of experience. But you miscued on it this time, same as I did at first. Now I know that Mr. Theobold was shot, and shot with a pistol. And I think I know who did it. It wasn't Crosby, though he was in the game. It wasn't the chap who made the finger-prints, though of course he was in the game, too. They have another pal who did the shooting. And I think I know who he is.

I have seen him, and seen the gun he did the shooting with. And between ourselves, they are down at the station house now."

The Captain gave every evidence of being profoundly impressed. He dwelt on each sentence, partly perhaps because he did not understand the language very well, but chiefly because of his astonishment. He even forgot to gesticulate as he said:

"Marvellous! Incomprehensible! Monsieur, let me congratulate you. I had heard of the great detective, Monsieur McFalcon. I am proud to have met him. But ah! I weep for monsieur, the secretary. He is so quiet, so polite a man, I could not believe——"

The Captain's speech came to an inarticulate end. He seemed to reflect on something that caused him to shrug his shoulders, lift his eyebrows, and slowly raise his hands, palms upward. He beckoned the detective and Doctor Harris to the farther corner of the room.

"Ah, I remember, I remember," he murmured. "It is the old story. *Cherchez la femme.* I had forgotten. Yesterday when we came, Monsieur the secretary was quarreling with the beautiful mademoiselle. He was very angry. He spoke like one in a jealous rage. And as we came

through the door, before he saw us, I heard him mention the name of Theobold. Ah, one can understand this better now."

Another expressive shrug of the shoulders. A deprecating gesticulation of the hands. Then he added:

"Monsieur the doctor and I spoke of it afterward, as we were riding away in the automobile. You remember, monsieur?"

"Yes, Captain. I do remember. But I should have preferred not to mention it. It was a petty lovers' quarrel, which probably meant nothing, and might easily be magnified into the motive for a criminal act. Circumstances at the moment seem to point suspiciously to it. But life is a curious game of chance. What real evidence, after all, is there to connect Crosby positively with the crime?"

The detective gesticulated impatiently.

"They tell me you are a great inventor, Doc. And in some ways you'd think an inventor ought to be something of a detective. But I suppose it is your business to figure out things that *might be* from things that *ain't;* while it's ours to figure out things that *have been* from things that *are.* And the things that *are,* in this case, consist of a dead man in this office with a bullet hole through him, and a live man who claims to know nothing

about it, in that other office, through the partition, together with papers missing from the safe and a bloody finger-print on an envelope in the dead man's pocket."

McFalcon was now in his element. He was well pleased with himself seemingly; and he punctuated his exposition with gesticulations worthy of De Lage himself.

"Now suppose we assume, with the Captain here, that this piece of metal is part of a bomb that came through the window. All right. That seems to let our live friend in the other office out of it. But who took the papers from the safe? And who made the finger-prints? And what was our live man doing when the fellow that took the papers and made the prints went by his desk, not two feet away? Our live man doesn't claim to have been asleep. He'd been quarrelling with his girl only a few minutes before, and a man doesn't go to sleep when he is good and mad. He'd been quarrelling about the man who was killed, too."

The detective paused, as if to let the force of his presentation strike home. He scrutinized the object in his hand.

"The rest of it is that this thing, with all due respect to the Captain, is a bullet—a revolver bullet. It's all flattened out of shape, as why

wouldn't it be after it ran against a steel safe after going through a man? But it was a bullet, and it was shot out of a gun."

The speaker threw his right hand forward with a jerk, his finger extended pistol-like.

"The bullet was found lying there in the safe, where the papers had been. So the papers were taken out before the bullet was fired—eh? Theobold himself must have taken them out. He went over there to the safe to get them, and kneeled down to reach for them—he was pretty fat, you know, and couldn't stoop very well—and the fellow put a bullet through him. He jumps up and turns on the fellow, makes a dive for him, and falls dead there by the window."

Another impressive pause.

"But he didn't have the papers in his hand when we found him there, did he? They weren't lying over by the safe, or anywhere else in sight, were they? The papers were valuable. You bet they were. Now who took them? The young lady up there in the airplane that was dropping bombs didn't get them—that is sure. Who did get them if it wasn't our young friend in the next room or one of his pals? Pretty hard question to answer, eh, Doc? Well, that is the kind of facts we are dealing with and they come pretty near

showing that two and two make four, don't they?"

At the mention of papers Doctor Harris seemed on the point of interrupting, but the Captain made a quick gesture of entreaty and brought his finger to his lips. He was standing back of the detective, and so was not seen by him. The doctor interpreted the gesture and was silent.

A moment later, as the detective turned away, De Lage whispered: "Do not forget yourself, Monsieur. Those papers are secret documents that now belong to the government of France. There must be no hint of their existence."

"Quite right, Captain. Those can't be the papers he refers to, anyway. They have no possible bearing on the case. But we must see what we can do for poor Crosby. I simply can't believe——"

The Captain interrupted with a gesture and a significant nod of his head.

"It is hard to believe. But when there is a beauty like Mademoiselle yonder to fight for—what may one believe not? For her one would gladly cross the foils with Monsieur Theobold or with any one."

The Captain was waxing enthusiastic. But his discourse was interrupted by Jack Henley, whose

face suddenly peered from the door of the private office, wearing an expression that suggested suppressed excitement. The boy appeared to steady his voice, and his calm tones belied his look and manner as he said:

"Gentlemen, please come here a moment. I think I have discovered something."

CHAPTER XI

Jack Henley's Discovery and What Came of It

JACK'S object in going into the private office a few minutes earlier had been to take some photographs. He was an enthusiastic amateur photographer, and he had not forgotten, the day before, even in the midst of the excitement, to take a number of snapshots. Each one had been carefully autographed, and dated. Also the exact hour and minute in which it was taken was noted as well as the aperture used and the time of exposure.

He had developed this methodical habit because he was making a scientific study of the art of photography. In fact, he did everything in that methodical and precise way, which was one reason why Theobold had had such confidence in him.

He went ahead now taking various pictures, chiefly because he wished to complete his ten-roll film, that he might develop it and see the results.

He took one snapshot from the doorway, showing the corner of the room where the body of Theobold had been found, and where the outline of a pool of blood was still distinctly visible. Then he opened the safe, and took a photograph of its interior, showing the damaged ledger and giving a view—at least he hoped it would show—of the battered place where the missile had struck.

The missile itself, of course, was no longer there. He hesitated for a moment whether to ask the detective to place it where it had been found for the benefit of his photograph. But he had not quite the assurance to do this, and went ahead without that interesting addition.

The ninth film of his roll had been exposed, and he was casting about critically to decide what view should be selected for the tenth, when his eyes saw something that brought his boy-scout instinct to full "attention."

He was standing at the moment against the wall beside the clock, at the end of the room opposite the entrance door, and a few feet beyond the desk. And what had caught his eye was a mark like a deep, jagged scratch which ran along the panel at the end of the desk, ending—or beginning—with a jagged splinter that showed the fresh colour of the unstained wood.

Jack felt very certain that he had never seen that mark before. He came close to examine it. Then, instantly, he knew its meaning; for there at the splintered place just above the telephone bracket was a tiny fragment of gray cloth wedged into the jagged outline of the freshly made groove. It was only a shred, yet enough to show beyond question that its colour matched the gray coat that Theobold had worn the day before.

Without stopping to analyze the meaning of his discovery, Jack rushed to the door, and summoned the detective and his associates.

As they now clustered about the end of the desk, no one at first seemed disposed to attach great significance to the scratch.

"That mark was made by the bullet, all right," said McFalcon. "And that is a bit of Theobold's coat that the bullet carried away as it went through him."

He sighted along the groove and saw that it aimed directly into the safe, which stood five or six feet beyond. Then a thought came to him that seemed to please him, for he smiled broadly as he said:

"And that does away with Finnigan's fancy story about Theobold kneeling over by the safe at the time he was shot. The bullet had gone through

him, as this bit of cloth proves, before it got over there by the safe at all."

He pulled at his moustache reflectively, appeared to meditate profoundly, nodded his head two or three times, and added:

"Yes; you can't get around it. Theobold was sitting right there in his chair, leaning over toward the telephone, when the bullet hit him. The guy that croaked him stood just behind him there by the window, and bored a hole right where it would do the most good. I knew all along Finnigan didn't have the right dope on the thing. But it will make him sore when I tell him about it." He chuckled.

Jack Henley spoke up eagerly:

"I wonder if he wasn't telephoning at the very minute when he was shot? I just remember something. I was up at Mr. Theobold's house when it must have happened. Mrs. Theobold was in the library. She was telephoning to Mr. Theobold, and he had answered, and then appeared to ring off, because she spoke two or three times more before she hung up the receiver, and then said to me, 'Oh, well, he rang off, but it doesn't matter. I only wanted to tell him that the doctor said he would call for us promptly at 7:30. You can tell him that for me, Jack.' Then she

said, 'All right; we'll be ready and expecting you,' into the other telephone, and hung up that receiver."

"The other telephone?" queried the detective. "What do you mean?"

"Why, you see, there are two telephones on the table in the library. One of them is a direct wire, and the other connects up with the central down in the entrance hall of the apartment house. Somebody called her up on this 'phone, and she was using the other to talk with Mr. Theobold. I suppose it was some invitation, and she had to find out whether he would accept."

"That is precisely what it was," said Doctor Harris. "The Captain here knows all about it. There were two gentlemen with us in the office yesterday morning as I told you, and one of them, Mr. Cambon, said that he would like very much to meet Mr. and Mrs. Theobold. He suggested that we make up a party and all go to a roof garden as his guests for the evening. So I called up Mrs. Theobold and gave the message. You remember it, Captain De Lage?"

"Certainly, yes. Monsieur Cambon, my friend, asked you to give the invitation for him, because he does not very well speak English. We sat on either side of you at the desk while you were

'phoning, and I could hear Madame Theobold's voice, though not what she said. But you told us her message. She would ask Monsieur Theobold. She would 'phone him at once. You waited a moment, and the message came that he had said 'yes'. He had another engagement, but would cancel it to be with us. We were to call for them in Monsieur Cambon's automobile at 7:30; they would be ready. And, alas! in that very hour, perhaps before another minute had passed, Monsieur Theobold was dead."

Miss Collins had joined the party and was listening eagerly.

"I just recall something," she said. "I had quite forgotten it. When we found Mr. Theobold lying dead there, and I ran to the telephone, to call the police and the doctor, I found the receiver off the hook and lying there on the desk. It is strange that I should have forgotten it, because I remember now that I had to press the hook again and again before I could get central. Evidently the person on the other end of the line had hung up and the line was still connected. And from what Jack says and what Doctor Harris and Captain De Lage say, it must have been Mrs. Theobold who was talking to him. And he must have been killed at the very moment when he had the

receiver in his hand and was answering Mrs. Theobold."

The detective nodded his head approvingly. He was reflecting that all this, when related as a discovery of his own, would quite take the starch out of Finnigan. Now his comment was:

"I reckon we have it doped out about right."

Then the trail-following instinct seemed to have carried him off on a new track, for he turned to Doctor Harris, and said, quite casually:

"By the way, Doc, *you* don't happen to have two telephones together in your office, do you?"

The doctor smiled, as if amused at the detective's mental quirk.

"No; I find *one* rather too many, as I am constantly being interrupted when I'm at work. You haven't noticed any second telephone in our office, have you, Captain De Lage?"

"A second telephone? No, indeed. Why should we have two telephones? In London it is necessary, I know, because there are two telephone systems. But here in New York, I have understood, there is but one. I do not quite understand why Mrs. Theobold has two telephones."

No one took the trouble to enlighten him, for everyone else did understand. The detective, seemingly satisfied to abandon a clue that led him

nowhere, set out to evolve other theories in accordance with the new evidence.

"Must have swung around in his chair, leaned over like this toward the telephone, and rested his left arm here on the desk," he meditated.

"Yes," said Miss Collins. "That's the way he always sat when he telephoned."

"I figured out that it must have been, in order to get that bullet just as he did, and have it run along and make that groove and finally land in the safe. And the guy that did the shooting must have stood back there in the middle of the window. He must have gum-shoed in while Theobold was telephoning; and he couldn't have stood four feet away, because that is about all the space there is between the chair and the window."

A thought flashed into Jack Henley's mind based probably on the recollection of things he had learned in the course of his boy-scout training.

"But, officer," he said, eagerly. "If a man stood only four feet behind you and pointed a pistol at arm's length, the pistol would be only a foot or so from your back. Wouldn't there be powder marks on the coat then about the place where the bullet went in?"

McFalcon stared for a moment, then turned and arose and took Jack by the hand.

"My boy," he said, "you are dead right. You have the makings of a detective in you. Of course there would be powder marks. I was just about to call attention to that fact. And in this case there were no powder marks. That's a puzzle, isn't it?"

"I was just thinking of another thing," said Jack, his face now flushed. "I was wondering why Mrs. Theobold didn't hear the report of the pistol? She held the receiver to her ear for twenty seconds or so after the wire seemed to be cut off at the other end. She must have been listening at the very instant when Mr. Theobold was killed. Why didn't she hear the shot?"

"You've said it, young man; you've said it. Why didn't she? That's something that will bear a good deal of thinking about. There couldn't have been any shot, or she would have heard it. It begins to look as if the Captain and I were right when we suspicioned that airship. It couldn't have been the hatpin, for the old fellow was sitting in that chair at the telephone, and not leaning out of the window. Or, hold on! Couldn't he have dropped the 'phone and stepped to the window?"

"And then it might have come from the airplane, after all?" urged Miss Collins.

McFalcon nodded. "Indirectly, yes. My original theory has to be modified along the line of Captain De Lage's suggestion that it came from the airplane, and that it was a bomb that didn't explode right. Hard luck for our old friend. But the girl who threw the bomb will get hers, and she deserves it."

Miss Collins broke in, eagerly:

"Anyway, officer, that clears Mr. Crosby, doesn't it? Can't we get word to the Inspector, and have him released at once?"

The detective's jaw dropped. He settled into his chair, and meditated for a full half-minute before he spoke. Then he seemed to address no one in particular as he said:

"Softly, softly. Maybe this thing was an accident, and maybe it wasn't an accident. Where are the stolen papers? And what about the finger-print? As I said before, it is fairly obvious that the flying girl didn't cabbage the papers, and didn't make the finger-print. We aren't quite to the bottom of this matter yet." He turned to Miss Collins, as he added: "And until we get into clearer water, your friend the private secretary will have to stay right where he is. But cheer up, young lady. Things are never quite as bad as they seem."

Doubtless this was meant to be consoling. But if the girl's face was any index to her feelings, things did not need to be half as bad as they seemed to be very bad indeed, at the moment, as viewed by Miss Cynthia Collins.

CHAPTER XII

More Finger-Prints

THE girl left the room with her handkerchief clutched in her hand, and with every appearance of being about to require its use in connection with her eyes. Her nerves were now being tested rather past the breaking point.

The sight of a woman in distress always made a strong appeal to Captain De Lage's sense of chivalry. He appeared to find the sight of this particular woman in distress doubly affecting. He made a move as if to follow Miss Collins, then seemed to think better of it, and turned to stare out of the window.

"Monsieur McFalcon," he said, presently, facing the detective, "there is one possibility that occurs to me that we have overlooked. Might it not be that the assassin did stand here at the window, as we had thought, but that he used a pistol having an attachment to consume the smoke as well as deaden the sound? It is true that no such device has yet been made known. Our governments

would pay a high price for such a device. But we have a silencer that can be attached to rifles, and the modern powders make very little smoke. If this silencer were perfected and the powder made a little more perfect, it might be possible to fire a pistol a foot away from a man without burning his coat, and so silently that no one could hear it even in the adjoining office."

"Then you think the fellow was in here and fired from over there by the window?"

"I do not state it as a conviction; I only suggest the possibility. The modern criminal is very scientific, very learned. Perhaps he may have gone farther in this direction even than the military experts."

"Well, that's all right. Suppose he has. That gives us another hypothesis, as Finnigan would say, but it doesn't take us anywhere. It doesn't tell us anything about the stolen papers. And until we find the fellow—or the fellows—that took the papers and made the print, we are all at sea."

The detective's hand was supporting his chin. He appeared to cogitate profoundly.

"Now between ourselves," he said, presently, "I think I know who took the papers. We've got him at the station right now. And we've got this secretary fellow who sat in there wide awake

and couldn't hear anything. All I want is the man who made the finger-prints. It doesn't matter much which one of the three did the shooting; they're all accessories before the fact, and equally guilty. The bunch'll go to the chair."

"The chair? I do not comprehend," said the Captain.

"The electric chair at Sing Sing, where they execute murderers."

"Ah! I see. Like to the guillotine. I see."

"Precisely. But until I get on the track of the third one, I can't be happy. Any one could get Crosby. He sat right there and bluffed it; still, it was me who really trapped him, because I found the finger-prints. It wasn't very hard to get Cortez, either, for he is the husband of the little lady that was Theobold's last visitor. She told me about it."

He arose and came to the window.

"Cortez's office is right over there in that Sixth Avenue Building. He probably looked across that morning and saw the little wife standing here at the window along with Theobold, looking out for the airship. It made him hot under the collar. He grabs his gun, and runs along 31st Street and in at the rear door, and up the elevator; and in about a minute and a half he is in here."

"And the lady? She was still here?"

"No, she probably saw him coming along the street, and she made a getaway. Her friend went with her to the office door, and Crosby said that they both seemed a good deal stirred up. Who wouldn't be, when a greaser was coming after him with a six-shooter?"

"Ah, I guessed it!" cried the Captain, exultantly. "*Cherchez la femme, toujours.* And this weapon—this what you call, six-shooter?—it had on it the silencer and the smoke consumer? Ah, I must see this gentleman, and buy his patent for the army of France. It will be——"

"Jerusalem!" groaned the detective. "There we are again. Always running into snags. That big gun that Cortez has would come within a foot of the old fellow's back when he held it out, and blow a hole in him you could put your fist through. As Finnigan would say, we've got to hunt for another hypothesis. Damn the hypothesis, anyhow. I'm going to stick to facts. By the way, gentlemen, suppose you just give me prints of your fingers to add to my collection. Here is an ink pad. Go ahead."

Doctor Harris stepped forward with an amused smile to comply. But the Frenchman drew himself up with indignation.

"Finger-prints? Zounds! What do you mean? Am I insult? You accuse me of an assassin? If you were in La France, I would challenge you to ze duel. Here I can only——"

"Calm yourself, Captain; calm yourself. I am not insinuating anything, or making any charges. I have no hypothesis, as Finnigan would say, to connect you with this crime. But now that we are all here having a friendly chat, it will do no harm for all of us just to make some finger-prints. And I may add it will look just a bit suspicious if anybody refuses to do so."

The Captain was only partly mollified, but Doctor Harris hastened to reassure him.

"He means nothing by it, Captain. Pray don't take offence. There is no possible suggestion of your association with this crime. Mr. McFalcon knows that you were with me and with a representative of the French Government when this crime was committed—all of us miles away."

"Just so, just so," said the detective, cheerily. "Come on, we'll all print ourselves, including our friend the young detective here," indicating Jack. "Nothing to it but a little amusement. I'll lead off."

He put his fingers to the ink and pressed them

on a sheet of paper. Then he made a second print on a separate sheet.

"Let's make them in duplicate, so that our young friend here can have a set. He's interested in finger-prints, I'll wager. I'll give him a few pointers on them, and when he studies them he'll be one stage nearer being a detective. Eh, sonny?"

The detective winked at Jack as he spoke. He was recovering his good humour.

Doctor Harris, the Captain, and Jack, followed by Miss Collins, who had returned to the room, made their finger impressions on duplicate sheets of paper in succession. The detective gave a seemingly casual glance at each in turn. Then he handed one sheet of paper to Captain De Lage and the other to Jack Henley.

"Keep them as souvenirs," he said, laughing. "I don't want them. I did it only for amusement, and to give our young friend here an object lesson in the methods of his future trade. Eh, Jack?"

Again he winked knowingly at the boy, leaving the recipient of the wink, however, entirely mystified as to what might be its purport.

But if Jack failed to attach any particular significance to the procedure, he was at least interested in the souvenirs. With characteristic impulse to have everything labelled and scientifi-

cally classified, he asked each member of the party to write his name under the impression of his or her fingers. Then he dated the document, and put it in his pocket.

His interest had been aroused, and he meant to look up the subject of finger-prints in the encyclopædia and see what he could make of it.

He would have been astounded, indeed, had it been suggested to him that the paper he had placed casually in his pocket would one day be instrumental in saving two human lives. At the moment, his only thought was a vague wonderment as to just what McFalcon had meant when he handed him the document with so seemingly casual a glance and with so knowing a wink.

Meantime, the Captain, who had now entirely regained his equanimity, was standing again at the window, gazing across at the building opposite. Presently he turned to the detective.

"Monsieur tells me that the man with the big six-shooter came from that building?"

"Yes. At any rate, that's where he was. I don't know whether he came or not, but I do know that he is in this plot, because we found some goods on him that prove it, besides the gun."

"And you say he looked over here and saw

Madame, his wife, standing at the window with Monsieur Theobold?"

"I said he might have done it. Anyhow, she was here, and it's a safe guess that she was looking out of the window, for the whole town was watching the airplane. And he was probably looking, too, and if he did, it's an even dice that he saw her. And if he did see her, it's a hundred to one shot that he was hot under the collar. Then it's dollars to doughnuts that he did something about it. But whether he——"

"Pardon, Monsieur. Will you permit me to suggest? If monsieur saw Madame here at the window, and was very angry, and if he had a big six-shooter in his hand, why should he not shoot? Why come down into the street and run over here and lose time? Why not stand at the window where he was, and shoot?"

The detective arose and stood beside the Captain, looking across at the building.

"Jerusalem!" he said, presently. "I hadn't thought of that. It's a mighty long shot, but with a big gun like the one he had it might be done. Did you ever see any one shoot as far as that with a revolver, Captain?"

"Oh, Monsieur, it is nothing. Often in La France I have seen a man—why, I know

very well a man in the aviation corps, there at Verdun——"

"Verdun again, eh? That is where you dropped the airplane bombs, wasn't it? What about your bomb theory if we've now got this six-shooter theory?"

"Ah, Monsieur; that was a mere suggestion. This is a mere suggestion. We find a missile which may be either a piece of a bomb or a bullet of a revolver. The missile has gone through a man and stopped in a safe. We know not where it came from. I make a suggestion, based on my experience in the aviation corps at Verdun; another suggestion based on experience in the cavalry. Which is right? I do not know. That is for you to find out, Monsieur McFalcon."

He was speaking with enthusiasm now. The subject appeared to appeal to him. He continued after a momentary pause:

"I only say that if in France a man stood at a window and saw his wife at another window with a man, he would not wait to walk to them. He would not wait at all. He would shoot, Monsieur; he would shoot, and shoot to kill."

"By Jove, I believe that's just what Cortez did. I believe you're right, Captain. That thing never did look like a piece of a bomb to me. It looked

too big for a revolver bullet, and so that threw me off the track. But I wasn't thinking of a cowboy's six-shooter. This bullet"— he held it again in his hand—"this bullet, before it was flattened, would just about fit in that gun. I think we've got the thing just about doped out right now, Captain. You were wrong about the bird lady. She dropped some nasty bombs, but she didn't drop this one. This one is up to Cortez. Hadn't shot his gun since he came to New York, eh? Made a pretty good bluff of it, too. But now I'll call his bluff. The facts are all against him. And facts win the game."

He turned from the window and inspected the groove along the desk end. He sighted along it carefully, going back by the safe to get the line.

"Comes straight in line with Cortez's window—straight as a string," he said, exultantly. "And it has just about the drop a bullet ought to have coming that far, eh, Captain?"

"That, of course, depends upon the trajectory; and for a revolver I should say it would be just about right. A rifle, of course, would carry straighter. But for either one he was right in line from the window over there where you say the man with the six-shooter was. But why would he not shoot while Monsieur Theobold still stood at the window?"

"It probably took him a little time to get his gun and load it. I reckon he told the truth when he said he hadn't shot it before since he came to New York. By the time he had it loaded, Theobold and the lady had flown the coop. Then Theobold came back and sat down at his desk, to answer the telephone. And then Cortez got him."

The detective chuckled, as if it all seemed a very excellent joke. But he was not thinking at the moment of the tragedy itself. He was chuckling because there had first come before his mind's eye a picture of Finnigan's face when, in due course, the true story of the crime, as now visualized, should be revealed to him.

"Finnigan will have to admit that this is some hypothesis," he said. "And I miss my guess if the District Attorney doesn't say that we have enough proof right now to send Cortez and Crosby to the chair."

Thereat he laughed again, as if there was something amusing in the conception of this final dénouement. But this, in all probability, was not because he lacked ordinary human sensibilities, but only because he took great pride in his profession, and felt the joy of the creative artist in having solved a mystery by use of the imagination.

Chapter XIII

The Press and Dame Rumour

NOTHING transpired in the office of Theobold & Co. that day, or on the immediately succeeding days, to throw new light on the mystery that attached in the minds of most people to the death of John Theobold.

The newspapers, of course, kept up their comment on the subject, supplying hypotheses and elucidations of their own *ad libitum*, so long as the public was supposed to take interest in the case. Moreover, they found elements of alleged interest to stimulate the public taste.

It was rumoured, for example, that papers found by the police in the office of Emanuel Cortez showed that the Brazilian was really a spy in the employ of the Mexican Government, and that his relations with Theobold had been discovered to be such as to raise doubt as to the patriotic integrity of the financier himself. The latter, it was hinted, had long been suspected by his enemies of being willing to barter his soul for money—even

as another company of his critics had accused him, sub rosa, of being a pawn in the hands of any artful—and beautiful—woman.

In the present case it was suggested that both money and women were the stakes for which Theobold had played a game that had ultimately cost him his life. The fact that a beautiful Brazilian woman was the last person known to have been in his office while the financier was alive, and that the husband of this beauty was now under indictment for murder, lent quickened interest to the case that gave it splendid value from the standpoint of the newspaper office.

Sundry of the much-exploited female reporters who analyze and dissect every crime that involves a man and woman for the pages of the metropolitan evening papers interviewed Señora Cortez.

They found her gentle, courteous, and almost child-like in her simplicity, grieving for her husband, and almost painfully solicitous in urging his innocence; tearfully invoking the aid of the press in proving that his arrest was due to some terrible mistake or misunderstanding. But that, of course, did not keep them from developing elaborate and intricate webs of hypotheses about the unfortunate lady, nor from veiled suggestions that there might

lurk back of her shyness and reserve the capacity to burst out on occasion with the type of passion traditionally held to be characteristic of the women of her race.

"Hers is the oriental, the tropical type of beauty," one of the romancers phrased it. "Eyes dark and inviting as limpid pools in an Amazonian forest; lips red as coral from the Carribees; teeth like pearls from deep equatorial waters; a manner languid, soft, and alluring as the whisper of exotic breezes—yet always with a suggestion of the calm that precedes the sirocco."

This, and more in kind, of demure little Celeste Cortez! Being of Spanish descent, she was expected to keep up the Andalusian tradition, little as her placid demeanour seemed to suggest it.

The case had a double interest in the fact that there was a second man under indictment whose association with the crime was also alleged to be inspired by jealous hatred.

Miss Collins, indeed, declined to be interviewed, except once or twice at the outset when she told what she knew of the case, and expressed her confidence in the innocence of Frank Crosby. But if the reporters were unable to find any considerable amount of copy in comments made by the young lady herself, there was nothing to prevent

them from evolving copy out of their own minds with reference to the probable share in the tragedy of the very beautiful stenographer of a rather coarse and notorious employer with whom she had been seen lunching on two or three occasions.

"The second woman in the case," said the romantic journalist already quoted, "is the very antithesis of the Brazilian beauty. Hers is the fairness of the temperate zone—of lily rather than of orchid. She is tall, stately, even statuesque; cold, not to say haughty, in her manner. Her eyes are coldly blue, yet none the less can they flash fire on occasion; and the colour that comes and goes in her fair-skinned cheeks tells of warm blood that might pulse responsively to suppressed emotion, even while to all other outward appearances the fair young woman seemed frigid as a statue of Diana."

It is a fair presumption that the eyes of Miss Collins did flash fire when she read that description; and that the emotions within her did not lack outward expression. Not, however, expression of which the reporter who wrote the description or the interested public had cognizance.

Yet again the case gained public interest through the rumour that a distinguished representative of the French Army shared in some way in aiding

the famed detective McFalcon to run the alleged murderers to earth.

One paper had given the affair an international aspect by hinting that a representative of the French Government was believed to have business relations with Theobold that were not without influence in connection with the plot that resulted in his demise.

Then, of course, it was inevitable that the newspaper which had first made an alleged "beat" in ascribing Theobold's death to a missile flung from the airplane should hold to this theory, and exploit it with such show of plausibility as it could command. Miss Sylvia Lawson, the aviatrix, was indeed no longer in custody. As a matter of fact, she had spent only a single night in durance. But the rumour that she had inadvertently been responsible for Theobold's death would not altogether down so long as the newspaper referred to considered the report of news value.

Meantime, the District Attorney's office, when it had the case well in hand, had adopted and elaborated, apparently, an hypothesis of the murder that did not differ greatly from the one to which Mel McFalcon had been led with the aid of sundry associates with whom the reader is familiar.

David Webster, of the District Attorney's staff, who had special charge of the case, gave out very confident assurances to the reporters that the evidence against the two suspects who were under indictment was absolutely convincing, and that their guilt would be triumphantly demonstrated when the case came to trial.

Just why a prosecutor whose duty, supposedly, is to aid in the dispensation of justice should wish always to pose as a partisan, and count any conviction a personal triumph, is not always clear to the disinterested outsider; nor why the District Attorney's office should inevitably regard every accused person as guilty until proven innocent, whereas, theoretically, the law is supposed to take the view that one is innocent until proven guilty.

But, after all, as regards these matters, the Theobold case did not differ from any other murder case that involves persons of some measure of importance, or elements of property-interest or sex-interest, which are supposed to constitute the favourite mental pabulum of the American public.

There remained, however, enough diversity of opinion as to the guilt of the accused persons, and enough doubt as to the exact nature of the plot, to continue to arouse public curiosity.

Moreover, it was freely admitted that a third person was believed to have been involved, and directly involved, in the murder, whose identity had not been definitely established, and who still remained at liberty.

And then there was, as a matter of course, the usual amount of maudlin feminine sympathy, based on the fact that one of the accused persons was a handsome young American hitherto of irreproachable reputation, and the other a dashing Brazilian, rumoured to have been famed in his own country as a gay Lothario and a dead shot. Also, masculine sympathy of equally maudlin type was not lacking for a beautiful, black-eyed young Brazilian señora who, if the District Attorney had his way, would presently be a widow; and a tall, slender American blonde whose fiancé, if the law took the natural course mapped out for it by its representatives, was not likely to live to become her husband.

Couple all these facts with the further fact that the attorneys for the defence gave out with great seeming assurance the customary declaration that they would present evidence in due course to show that the entire case against their clients was a figment of prejudiced imagination (further hinting that the real criminals would probably be brought

to light through exposure of a plot of international significance), and it will be obvious why the trial of Emanuel Cortez and Frank Crosby for the murder of John Theobold, when it came on the calendar along in November, was assured front-page space in every metropolitan paper.

The gentlemen with "news" sense whose business it is to decide what aspects of current happenings shall be purveyed to the public do not often get on a wrong track, and they make no mistake in giving full cry when they come on a trail that seems to lead into alluring mazes of no-whither.

Chapter XIV

A Chance for Crosby

ONE day in October, not long before the time set for the trial, David Webster came up from the District Attorney's office to pay a visit to the office of Theobold & Co. He had been there on various occasions since the morning he discovered the tell-tale bullet in the safe, but this time he had a very particular mission. His manner as he greeted the stenographer was ingratiating, as always; his tone cordial, as he said:

"I'd like to have a little chat with you in private, Miss Collins."

The sight of him made the girl shudder, for it brought vividly into her mind the imminence of the trial, but she strove to suppress her feelings as she rose and led the way to the little private office, which, since the death of Theobold, had been unoccupied.

"Pardon me if I seem to intrude on a personal matter," he said, "but I understand that you and Mr. Crosby are pretty good friends."

"We are to be married as soon as he is—released."

"I had understood that you are engaged. Let me tell you then, in all confidence, that Mr. Crosby will never be released unless you can persuade him to take a different course from that which he has hitherto adopted. That is the matter I have come to speak to you about."

"A different course? I do not understand."

"I will be more explicit in a moment. But first let me ask you a question or two. You realize, doubtless, the gravity of the charge against Crosby. He is accused of direct complicity, and is therefore, in the eyes of the law, precisely as culpable as if he himself had fired the shot. Theobold was killed in the course of a successful attempt at robbery on the part of several persons, one of them being Crosby. No matter who did the shooting, that constitutes murder in the first degree. The penalty is fixed by law; jury and judge have no option in the matter. Do I make myself quite plain?"

Miss Collins's face was ghastly, but she held herself proudly erect.

"Surely you do not believe Mr. Crosby guilty of such a crime?"

"I admit that it seems almost unbelievable,

when you consider his past reputation, his intelligence, and his seeming stability of character. But the facts are inescapable, and they cry out against him."

"It is all a hideous mistake."

"I truly wish that it might be made to appear so in Crosby's case. But you must be aware that the evidence is conclusive, and that there is not a shred of evidence to put forward in rebuttal. Unless something can be done that lies entirely beyond the province of the attorneys for the defence, the outcome is inevitable."

"I do not believe it. I will not believe it. Mr. Theobold was not shot at all, or if he was, Mr. Crosby knew nothing whatever about it. He has given me his solemn word for it, and I know that he speaks the truth."

"Now, Miss Collins, I did not come here to argue this. It is an unpleasant duty to speak about it as I must do. But you are a woman of intelligence, and in your heart you are aware that the person or persons who came through that office, rifled the safe, and left the finger-prints could not have come and gone unknown to Crosby, and hence must have acted with his knowledge. But I do not wish you to admit this, or to make any concession in the matter. Only let me ask you to

look into your own mind and inquire what your conclusions would be if you were juror and were called upon to consider evidence of that character."

He paused as if to give force to the suggestion. Then speaking very deliberately, he added:

"And this brings me to the point of my visit. I hope that no juror will be called upon to make such a decision. In other words, I hope that Mr. Crosby will never be brought to trial."

"Will never be brought to trial?" Miss Collins gasped.

"Just that. It rests with himself to say whether he shall go to trial, with the inevitable result, or whether he shall go out a free man, the indictment against him quashed with the consent of the State. In fact, Miss Collins, I think I may say that the decision probably rests with you."

"That is a poor subject for a jest."

"I am not jesting. I speak with the full authorization of the District Attorney. The circumstances are these. It is well known that Cortez and Crosby had at least one and probably two associates who are representatives here of foreign governments, namely the Mexican Government on one hand and the Austrian Government on the other. These men may justly be regarded as the instigators of the entire plot. It was they

who promised the money that furnished the lure. The State regards them as 'men higher up' whom it would very much like to apprehend."

"I disbelieve absolutely all that you are saying."

"Nevertheless, it is true. This is not the time nor place to present the evidence. But I may call your attention to a single fact that in itself should go far to substantiate what I am saying. This is the fact that the bloody finger-print found on the envelope in Theobold's pocket is a mark left by the hands of someone who does not belong to the ordinary type of criminals. The finger that made it was quite unaccustomed to labour. It was a very small finger, more like a woman's than like a man's, and its tracing is sharp and clear, revealing a hand clean and well cared for. These are small matters, but infinitely significant. The man who made this telltale imprint was obviously searching the pockets for some written document that might supplement those taken from the safe; for he paid no attention to Theobold's jewels, including the scarf pin which as you know is of great value, or to his watch, or to the large sum of money that he carried in his pocket. Obviously, then, the motive was not robbery of an ordinary type."

"But this has nothing to do with Mr. Crosby."

"It has everything to do with him. Let me come to the point. The State cannot consistently make any concessions to Cortez, because it was he who personally fired the fatal shot. But it can consistently make concessions to Crosby, and is disposed to do so, if he will aid in bringing larger criminals to justice.

"All that is asked of him is that he shall simply reveal what he knows of the plot, and the names of the men who were back of it.

"We do not need his aid in proving the share that Cortez had in the crime. That is established beyond all controversy. But we admit that we are unable to bring the crime home to the 'men higher up' about whom I have spoken, although each one of them is under suspicion. If Crosby will name these men, and aid us in bringing them to justice, it lies within the province of the District Attorney to say whether the case against Crosby himself shall be quashed, and I am authorized to give you assurance, on my word of honour as a gentleman, that, under those circumstances, this will be done.

"You remember how it was with Rose and Weber and Vallon in the Becker case. Well, Crosby will be freed in the same way if he will turn State's evidence."

The attorney watched the girl's face as he spoke. But she neither changed expression nor made comment.

"Crosby himself has been tentatively approached in the matter," the man continued. "But he is obdurate. I need not tell you that he is an obstinate man. I think he fully realizes his peril, but he has a quixotic sense of loyalty to his confederates, which, under the circumstances, is absurd, and which, if he clings to it, will lead him to the chair. Nothing but your influence can cause him to change his determination—I am quite sure of that. That is why I have come to see you."

"If Mr. Crosby knows nothing, he can tell nothing."

"Let us for the sake of argument forget that aspect of the matter. We are speaking here privately and confidentially. I ask only that you go to Crosby, there in the Tombs, and tell him, in effect, what I have said. Urge him to accept freedom and life and happiness with you in place of the inevitable alternative—he well knows what that is. Point out to him that with the money he will receive for his share of the Cortez patents you and he can go anywhere in the world and live in comfort. He can take a new name, and start over in life. Is that not better than—Sing Sing?"

The girl rose and drew herself to her full height. The colour had returned to her cheeks. Her eyes were flashing. There was scorn in her every word as she answered:

"Mr. Webster, it is unnecessary to prolong this interview. I shall convey no such message to Mr. Crosby. I shall not insult him by assuming for an instant that he knows anything whatever of a plot to injure Mr. Theobold, much less of having any complicity in the carrying out of such a plot. He is absolutely innocent, and I have full faith that the truth will prevail, and that he will be given back to me, fully exonerated, though I have no definite idea how this can all be done."

Webster tried to interrupt her with a gesture, but she disregarded him. Her voice was keyed high, but its tones were firm and confident.

"Let me tell you this," she continued: "If Mr. Crosby were guilty of the crime of which you accuse him, I would prefer that he should stand the consequences, rather than that he should purchase safety at the price of turning traitor to his associates. It would be bad enough to be a murderer without being a poltroon. But Mr. Crosby is neither; he is an innocent man, cruelly misjudged. But before long something will hap-

pen to prove that he is innocent, and he will be set free."

Webster saw that further argument was useless. He rose and extended his hand.

"For your sake, Miss Collins, and for his sake also, I wish it might be. So do we all down at the office, for we look on Crosby as a splendid fellow who has gone wrong through an unfortunate temper and a great temptation. But if he cannot be made to realize that this is the only sane way out of it, the law must take its course. If you should change your mind on thinking it over, please let me know."

But as he left, he was muttering to himself:

"Change her mind? Not in a lifetime. She isn't built that way. Neither is Crosby. They're a stubborn pair. But you can't help liking them for it."

He shook his head expressively as he walked along the hall.

"I certainly hate to see a nice young chap like Crosby go to the chair for killing that old skinflint," he soliloquized. "He ought to have a medal instead. But the administration of that kind of justice is no part of the business of the law. As the case stands, Crosby's goose is cooked."

He cogitated with corrugated brow, as was his

habit. And as he stood waiting for the elevator, he mused aloud:

"I wonder how much that girl knows? I'm inclined to think—no, I'm not either . . . hanged if I know. But I do know that Crosby will go to the chair unless she makes him talk. For her sake, and his—and ours—I hope she does."

Chapter XV

How It Looked to the Defence

THE distinguished firm of Weaver and Warren had been chosen to defend Cortez and Crosby. One afternoon, a few days after the Assistant District Attorney's visit to Miss Collins, the senior member of the firm, Alexander Weaver, sat talking with his right-hand lieutenant, Robert Warren.

Weaver was rather tall and of full figure, with smoothly shaven face, of benevolent type, a mouth that could be expressive or non-committal at will, eyes that tended to twinkle, and a forehead that, originally high, now extended well toward the crown of the head where the hair had receded.

He had a voice of singular persuasiveness. His diction was copious and at times florid. It had been said of him that if he could find a single little fact to use as a fulcrum, he could move a jury in favour of the guiltiest client as certainly as Archimedes could move his hypothetical world.

Warren was a much younger man; small, alert,

with a weazel type of face; little black eyes that sparkled, and a shock of black hair that tended to curl. His every look, gesture, and intonation expressed admiration for his senior partner, mildly tempered with confidence in himself.

It was the function of the junior partner to ferret out the evidence, and supply his chief with the requisite Archimedian fulcrum.

Weaver leaned back in his chair with his feet on the desk, his arms crossed in characteristic fashion, a cigar in his mouth, and an expression on his face that indicated about an even compromise between boredom and interest, as he said:

"What about that Theobold case, Bob? Anything new?"

"Not much. It seems that Frenchman, Cambon, who was with Doc Harris and Captain De Lage so much, and who sailed for Europe the day after the murder, knew Lopez."

"Lopez? Let's see. He is the fellow that Cortez claims came with him to his office from the Long Island Station?"

"Same chap. Cambon and Lopez knew each other, and were both interested in the matter of the pistol attachment. Cortez sticks to his story that Lopez came with him to the office, and he claims that he gave Lopez the pistol that had the

silencer on it, and that Lopez started, according to arrangement, for Mexico that afternoon, to put through the deal with Carranza."

"Hasn't got any documents to prove any of this, I suppose."

"No; everything is done very secretly in those diplomatic and military affairs. But Cortez's story jibes—after a fashion at any rate—with Crosby's story that he had this pistol for a week or two before that, showing it to a representative of the Italian Government, and that he gave it back to Cortez the day before—the evening of July 7th."

"That would make a nice story in court, wouldn't it?"

"Well, of course it doesn't have to be told in court. Fortunately, no one knows anything about it but Cortez and Crosby, who can't be made to peach on themselves, and Lopez and Cambon who have taken French leave."

"Where does Cambon come in on it, anyhow."

"He had been dickering with Crosby, probably acting as a spy for Harris and De Lage, who have a rival pistol silencer that old man Theobold was interested in. Cortez claims that Harris sneaked his idea in some way, and he thinks that Theobold was responsible, for Theobold was holding Cortez's patents and specifications as collateral on a loan."

"Has the State got hold of this?"

"I think they have. It has leaked from the District Attorney's office that the papers they found in Cortez's desk were mighty important. I can't find out just what they are. Cortez claims they were these same pistol patents and specification papers, but his story doesn't sound good, because he admits that Theobold had these papers at the time of the murder, and he says that they came to him by mail just as the State claims they did; and yet he swears he doesn't know who sent them to him."

"Can't that Brazilian ever tell the truth once?"

"It doesn't look like it. And yet, do you know, while he is talking to me, I honestly almost believe him. He seems in earnest. He swears by all the saints that he is telling me the truth, the whole truth, and nothing but the truth, so help him——"

"Yes, they all do that. In twenty-seven years at the bar, I never saw one that didn't. But there *are* a few that know enough to trust their own lawyers. This fellow seems to lack even that elemental intelligence."

"Crosby is just as bad," Warren put in. "You can't get under his skin at all. He either sits there sullen and moody like a stone image, or else jumps

up and rages like a lunatic. You simply can't get him to admit that he saw or heard a thing. And he looks right at you and swears to it with such confounded assurance that sometimes I almost half believe him."

The senior partner took his cigar from his mouth, blew a ring of smoke, and turned toward his junior with a quizzical but indulgent smile.

"The original and incurable optimist," he chuckled. "Wait till you have had a dozen more years of experience listening to their protestations, and you'll know that the only time when the unfortunate prisoner at the bar ever tells the truth is when he admits that he is guilty. And even then, if it's a murder case, the law doesn't let you take his word for it, but goes ahead and proves that he is guilty just the same. But, Bob, why can't you dig around and throw up just a little mole hill of evidence in favour of our worthy clients, since you have such faith in them?"

"Hold on! You're putting a wrong construction on my words. I didn't say I believed them; I said I almost half believed them."

"Well, how can you almost half, or any other fraction, believe a story like that? Of course I'm going to have the aphasia experts try to get the jury to believe it; but you are credited with being

sane, and I selected you for a partner, not the way we select a juryman, but because you're supposed to be intelligent. If Crosby would just admit the truth, and tell us who the fellow was, we might be able to do something for him."

"But, Aleck, I wish you could have seen that fellow's face when he looked me square in the eye to-day, and told me, on his honour, on his life, that no one came in or went out of that office after Señora Cortez left that morning and the boss went back, until Miss Collins came in and found him dead."

"Oh, he's looked me in the eye and told me the same thing forty times. I think he begins to believe it himself. But did he happen to tell you how he thinks the bloody finger-prints got on the letter in Theobold's pocket? The State claims it's as pretty a set of prints as they ever saw. Of course they don't fit Crosby, but who'd expect them to? He wasn't for rifling the old man's pocket; he was for getting even on the score of his girl, and teaching Theobold to mind his own affairs. The prints don't fit Cortez, either, they say. But he didn't want anything Theobold had in his pockets. He wanted the papers in the safe, and to make sure that Theobold was to keep off his particular petticoat preserve. It was the third

fellow who was in for the loot, and I reckon if you could find Lopez, you wouldn't have much trouble matching those finger-prints. But what does Crosby have to say about the prints, anyway?"

"He says it might be a 'frame-up' on the part of the police."

"A brilliant suggestion! How in thunder could the police frame up a thing like that with a whole troupe of people about? And what would such a frame-up be for? *Who* is framed? McFalcon is still running about like a fox hound off the scent finger-printing everybody that comes within two blocks of the Schuyler Building. But he doesn't claim to have found any one yet that the blood-prints fit. What kind of a frame-up would you call it when no one is framed? If the prints fitted Crosby or Cortez, the thing might have a different look. But McFalcon isn't that sort of a chap, anyway, as you know."

"No, I'll admit that McFalcon is as straight as a string. He isn't the most intelligent sleuth in the world—though he thinks he is—but he is honest; and he sure is plumb daffy over finding the fellow that left the trail in old Theobold's pocket. Why not put him on the track of Lopez?"

"That would help out a lot, wouldn't it? Make a fine story. Lopez, the friend of Cortez and well

known to Crosby; admitted to be with Cortez just about the time of the murder; found with the special brand of gun that Cortez invented and Crosby had in his possession for a week before the murder, according to his own account, and that Cortez admits he had in his pocket—without having any license to carry it—on the morning of the murder. To complete the chain, the finger-prints of Lopez match finger-prints in dead man's pocket. Nice, sweet little chain of evidence to drag our clients out of jail with, eh? I don't think."

"Well, just what *do* you think, Aleck? Between ourselves and the four walls, and hoping that there are no dictagraphs present."

"I'll tell you what I think. I have it doped out like this, and I don't believe I am far wrong. In the first place, both Cortez and Crosby were sore at Theobold for being sweet on their particular girls. That made them ready to do him, on general principles. Then Cortez thought that the old man had euchred him out of his patent, which would mean a lot of money now that he had got in touch with Carranza. Lopez is Carranza's agent, and of course stands to get a divvy at both ends of the deal. But he wants the patent papers to make everything look legal, and prevent Theo-

bold from selling the pistol attachment to some faction of Carranza's enemies. In the meantime, Crosby has a dicker on with that Frenchman—what is his name? Yes, Cambon. Whether or not he was in on the deal, I am not prepared to say positively. But I think it's an even chance that he was standing out by the door to give the alarm if any one came, or to keep out intruders. Anyway, we have Crosby, Cortez, and Lopez strictly on the job, and they account for the known facts."

The bored expression had left the lawyer's face. He was thoroughly interested, and was outlining the case against his clients in a manner that would have gladdened the heart of the District Attorney could that functionary have heard the monologue.

"Take that matter of missing papers, for instance. Who else wanted them except that bunch? Who else knew they were there? Rumour from the District Attorney's office has it that the deal which was on between these fellows and Carranza was good for a couple of million dollars in American money. Crosby, of course, was right in on the deal."

"But couldn't he get the papers without killing the old man?"

"Surely. But what good were the papers while

the old man was alive to make a holler? And, by the way, those papers tell just as strong a story against Crosby as the finger-prints do. Cortez admits that part of the papers were 'sent' to him. The rest of the papers are gone altogether—Miss Collins tells us that. And Cortez and Crosby claim they knew nothing about them. Perhaps they don't. Lopez may have them. Or perhaps they were Cambon's share of the loot. Cambon was in thick with De Lage in the deal to buy Doctor Harris's invention—some sort of fancy range-finder."

"Do the missing papers have to do with those patents?"

"I fancy so; but I don't care to go very deep into that matter, because when we get on the trail of Cambon we're getting on the trail of Lopez, his friend, with whom you say he was that very morning; and when we get on the trail of Lopez we have a hot scent that leads straight to Cortez and Crosby. But for that matter, Cambon and Crosby, himself, were thick as Siamese twins, and I reckon that Crosby must have stood for some of the trimmings in the French field, too. I reckon he would have use for all the money he could get since he was planning to marry an ambitious girl like Miss Collins."

"What do you make of her, anyway? You don't think she was in on the deal, do you?"

"Not for a minute. Too clever! A scheme like this could never go through without being found out, and she's clever enough to know it. But she isn't that kind, anyway. I don't think there were any women on the inside of this at all. It wasn't a woman's crime. It was essentially a money crime—with the element of jealousy just to give it seasoning. Women don't kill for money! They get it in easier ways. It's only members of our unfortunate sex that have to work or steal in order to get money."

"But how about Señora Cortez?"

"Nice a little woman as ever lived. Good to look at, but you can't blame her for that. Got a fetching way with her, but you can't blame her for that, either—it goes with the complexion of the climate where she grew up. But she is strong for Cortez every minute. You can see that with half an eye. Theobold wanted her, of course. He wanted every good-looking woman he laid his eyes on. No doubt he was willing to pay pretty high to get her. She admits that he made a bid that last morning when she went to see him to intercede for Cortez. She said he claimed he had made every concession to Cortez she had

asked him to and had done it all for her sake, of course.

"Banal stuff, but it sometimes works."

"It didn't work in this case, apparently. He swore he had sent some things over to Cortez by a messenger; but Cortez says the messenger never arrived, and I guess he didn't, for I don't think old Theobold was likely to anticipate on any payments; leastwise not before the bargain was completed and the consent gained of the party of the first part—who in this case was Señora Cortez and not Cortez himself.

"Anyway, Theobold made the bluff that morning, and was evidently put out when the Señora wouldn't fall for it. He was peeved, the Señora says, and Crosby says he looked peeved when he came through the office with her, though he'd been feeling mighty good just a little before. All of which speaks well for the Señora."

"Yep; but it's darned unfortunate that she went there at all that morning. The State claims that Cortez probably saw her at the window with Theobold, looking out at the airplane, and of course it's more than likely that he did. And it will be hard to make a jury believe that the sight calmed Cortez's feelings any, and made him any friendlier toward Theobold. But say! Do you

believe that he did plunk him right then and there from the window?"

"Nope. I don't believe he plunked him at all."

"You don't! How's that?"

"Like this: I don't doubt he was mad enough to, and I think he probably could have done it even at that distance for he admits he used to be a crack shot. But he wasn't mad enough not to know it was a pretty dangerous thing to shoot from a window, with all those people around. And anyway, it isn't in the nature of his clan to kill from a distance when they can get near with a knife. Of course, if he had the pistol with the silencer, it might have been different, but he didn't have it at that time."

"How do you know he didn't?"

"Well, partly because he says he *did*. But mostly because Crosby admits that he had it up to the day before. That was mighty close to the event, wasn't it? A blame sight too close the State ever found it out. If I had been in [illegible]'s place, I would claim never to have seen [illegible] silencer at all. Not that it did any har[illegible] although hanged if I know why he [illegible] half and refuse to tell us things [illegible] useful for us to know. However [illegible] he admits having the silent-[illegible]

suming pistol right up to the day before the murder. Then he turned it over to Cortez to give to Lopez, so he says. Well, in point of fact, Lopez did get it, according to my dope, but not until the day of the murder and about five minutes after the shooting. That's just an illustration of the kind of lie that even a smart chap like Crosby will tell. It isn't one man in a million that can make up a lie out of whole cloth. The best the average imagination will do is to pick out a few strands from a fabric of truth, and misplace them. It isn't because they are ashamed to lie; it is simply because they haven't imagination enough to construct a lie. They just bend the truth a little, enough to answer their purpose."

"I know. But what's the application?"

"Simply this: Crosby had the pistol, and thinks he had better admit having it—for fear that it might be proved on him—for some days before the murder. But he feels that it will be incriminating to admit that he had it on the day of the murder. So he plucks a day out of the calender and 'remembers' that he gave it back on the seventh. Well, he didn't see Lopez on the seventh, because that young man didn't come to town on that day; so Crosby has to 'remember' that he gave the gun to Cortez, who wanted it for Lopez. That's a

little awkward for Cortez, of course, since it puts the gun in his hands on the morning of the eighth; but he has to stand for it, and anyway it seems pretty safe, for he wasn't supposed to be in the Schuyler Building at all that morning, whereas Crosby was right there. But Cortez 'remembers' passing the gun right on to Lopez in a hurry. And of course Lopez did get it ultimately and get away with it."

The constructionist paused to let the details sink home. But his listener only looked question marks and he continued:

"Well, there you have the whole big fabric of truth, with only a little rent in it. Crosby did have the gun, and Lopez did get it. It's just possible even that Cortez may have taken it from Crosby's hands and handed it to Lopez. In fact, I think he probably did. But that happened, not on the seventh, but on the morning of the eighth, and right there in Theobold's office."

"In Theobold's office!"

"Precisely so. Which brings me to the point of my story. As I have it doped out, what happened was simply this—incidentally, I tried to tell you some time ago, and you put me off the track with your fool questions and interruptions. Now, as I have it doped out, Crosby was so fussed up

over Theobold's asking Miss Collins to go to lunch with him that morning, and her saying she would—you remember they quarrelled about it like cat and dog—that he got madder and madder about it as he sat there all alone in the office, while Señora Cortez was in the private office."

"Yes; there isn't the shadow of a doubt about that. Crosby admits it."

"Well, he overheard enough of what Theobold was saying to the lady as they came to the door to remind him again of the kind of proposition he was up against. Theobold was talking about money, you remember, Señora Cortez tells us, and was boasting that he could buy anything he wanted, and was ready to pay for anything that looked good to him. That was the last straw for Crosby. It was galling, for him to think that he was not in position to meet competition of that kind in dolling up Miss Collins—he admits that, you know. And now—as I dope it out—it occurred to him that if Theobold was out of the way, and he had those papers that Cortez was beefing about, he would be able to play the money game, too."

"But Crosby is too intelligent to think he could get away with a thing like that."

"He was too mad to stop to figure it out. He

had just gone plumb off his head, as a quick-tempered, black-eyed chap like that will. And it happened that Theobold made a remark just as he was passing the desk that simply applied the detonating spark to the powder mine. Señora Cortez tells us, you remember, that Theobold tried to play up Miss Collins against her, and as they passed the stenographer's desk—she wasn't there, you remember—he nodded his head that way and said 'well, if you won't play ball, don't forget that there are others.'"

"I remember. The Señora gives the quaintest little toss to her head when she tells about it."

"Forget that detail, for your own peace of mind. But unless I miss my guess, it was that final remark that caused Theobold's death. For—if I have it doped right—it took Crosby just about as long to dig the silent-shooting gun out of the bottom drawer of his desk as it took Theobold to get back to his office. And about thirty seconds later Crosby was in there after him, and around the corner of the desk, and the silent-shooting smoke-consumer had done its work."

"Do you really think it was done like that?"

"Why not? That's about the only reasonable way to dope it, so far as I can see, and fit in nicely with all the other facts."

"But where does Cortez come in?"

"Why, it was just a plain old-fashioned coincidence—the kind that happens oftener in real life than in fiction—that Cortez should have seen his wife over there at the window, and that he should have been legging it along 31st Street headed for the Schuyler Building, with Lopez at his heels—and perhaps Cambon also—just at the very minute when Crosby was getting ready to go into action. Cortez probably had a knife in his pocket, but that doesn't figure in the story; for when he and Lopez got into the office—Lopez all the time trying to calm him and hold him back—what do they do but run plump into Crosby, with the gun in his hands. And the man that Cortez was after had gone where a knife would do him neither good nor harm."

"Heaven help us! A fancy mixup. But what about the stolen papers?"

"Well, one or another of the trio had his wits about him; and for that matter all of them may have thought of the papers, for they had planned nothing but how to get them for a month or so. Anyway, they grabbed what they wanted out of the safe, and Lopez—or it may have been Cambon—went through Theobold's pockets for good measure—leaving his mark by accident as he did

so. Then the two of them—or three of them—made a getaway before any one came back to the office; and Crosby, just plumb dazed and too scared even to try to figure out an alibi, went over like an imbecile and sat down at his desk, where Miss Collins found him half a minute later."

"But wouldn't Crosby have beat it along with the others?"

"Perhaps he might if he'd had a minute or two more to think about it. It may be that he was stopping at his desk just to get hold of some papers that he didn't want to leave. Or possibly he figured that if he'd sit tight they couldn't prove anything on him so long as the gun had gone.

"Oh, it may be—as I believe—that he didn't think at all, but was just stunned, mentally collapsed, from the reaction, and from the horror of it all.

"A nice, sensitive chap like Crosby, well educated and with fine instincts, may get so mad that he wants to kill a man, and may do it if he acts before he has time to think, but he is bound to regret it the minute it is done. A man like that couldn't plot a cold-blooded murder."

"I can't make myself believe he could do a murder at all. Why, Aleck, Crosby isn't that

kind of a man. He is one of the nicest chaps that ever was——"

"There you go again, Bob. Nice chap? Of course he is. But wasn't Carlyle Harris who killed his girl-wife a nice chap? Wasn't that Boston preacher who killed his sweetheart a nice chap? Wasn't Waite, who killed his wife's father and mother, a nice chap? Won't you ever learn that you can never tell how far a frog can jump by looking at it? A murderer doesn't carry his sign-manual on his face. In fact, there isn't any such a thing as a murderer *sui generis*. What we call a murderer is just a man who happens to have the misfortune to have the game run against him so that finally the temptation to kill is too strong for his powers of resistance. Put yourself in Crosby's place! Imagine yourself in love with a beautiful girl like Miss Collins. Imagine you see her being led out of your reach by a notorious old man who intimates in your presence—even though it's a lie—that she has her price and he's going to pay that price. Would you feel like murder or not? And if you happened to have a silent-shooter pistol lying there at your elbow, would you be likely to pick it up and use it, or wouldn't you?"

"I see the point, Aleck. But, by Jove, it's hard to believe."

"Well, you don't need to believe it if you don't want to. I don't say it's so. I only say, that's the way I have it doped out. But it doesn't make a mortal bit of difference whether it's so or not, as long as someone over in the District Attorney's office doesn't dope out the same thing. And fortunately they're off on another trail."

"But Crosby looks you right in the eye, throws his head back like a man, and declares——"

"What of that? Do you remember how Carlyle Harris went to the chair up there in Sing Sing? He nodded politely to the assembled guests as he entered the room, walked right up to the chair and sat down, and then, in the most deferential way, said, 'Warden, have I your permission to speak?' 'Certainly, Mr. Harris,' mumbled the warden, with a lump in his throat. Harris held up his head, faced the audience and said, very slowly, but calmly: 'Gentlemen, I die absolutely innocent of the crime of which I was convicted.' Then he leaned back in the chair, cool as a cucumber, while the guards adjusted the straps with trembling fingers, and one or two of the witnesses fainted."

"I remember. He certainly had the nerve."

"No, not especially. He had a certain amount of intelligence, and was guilty; that is all. It's

merely a question of intelligence, and mental training. You remember the nice, polite little sermon on abstract morality that Doctor Waite preached, with permission of the judge, when he was being sentenced to the chair, don't you? Waite admitted killing two people, and boasted that he had tried to kill a third. Harris, for his mother's sake, denied killing any one, but there wasn't an iota of doubt of his guilt. But both of them knew that they had broken the eleventh commandment and had to take their medicine; and they both showed the same kind of fortitude—which the public calls nerve.

"But you remember how different it was with that chap Garibaldi whom we defended a couple of years ago? He was absolutely innocent. There isn't a shadow of doubt about it. But he went to the chair all the same; and they had to carry him to it, all collapsed and half dead, with his teeth chattering."

"Yes, I remember that, too. How do you account for it?"

"Why, it is simple enough. When they are guilty they steel themselves to prepare for it. They know the jig is up. They visualize the execution scene a thousand times over, and determine that they will die game, whatever else.

And when the time comes, they just automatically go through with it—same as all of us go through smaller ordeals—playing the part like trained actors. When they are innocent, they keep on indulging the hope that something must turn up to show that they are innocent. They have a kind of inherent belief that abstract justice must prevail—truth is mighty, and that sort of thing, you know. And when nothing does turn up and they find themselves on the way to the chair after all, they are like an actor who goes on the stage without having learned his lines. They have stage fright; go all to pieces. Trust the guilty to show the nerve every time."

"And you think that applies to Crosby?"

"Certainly it does. Crosby shows the cold-blooded nerve because he knows he did it. He'll go to the chair just the same as Carlyle Harris did—politely asking permission to make a speech to say that he is innocent. Cortez seems to show the white feather. But he is really just as nervy a man as Crosby, only he feels the injustice of going to the chair for something he didn't do."

"But the way you have it doped out he is really just as guilty. He meant to do it—and he is an accomplice after the fact."

"Yes, in the eye of the law, of course he is just

as guilty as Crosby. But he didn't actually do the shooting, and so he feels that he isn't really guilty. Legally, he is just as culpable as his pal, but he can't see it that way. You know how it was with Dago Frank in the Becker case. He wasn't really there when the job was done, so he felt he ought not to have got what the other boys did. And he showed less nerve than any of the others. So Cortez, when he goes to the chair, will break down—same as he went all to pieces and tried to kill himself the other day. If he had done the job with his own hand he would take his medicine like a man."

"But, good Lord, Aleck. I've thought all along that he did do it with his own hand—with his trusty six-shooter."

"No. That is where the State has it doped out all wrong. They're way off on the wrong trail, and you can bet I don't intend to put them on the right one."

"Of course not; but what is the hand we're to draw to?"

"Ah, now you're getting down to business. These reminiscences we have just been indulging in don't really get us anywhere. The question is, not what happened on the morning of July 8th, but what we can put forward as a plausible substitute

for what happened. Fortunately, I have some ideas on that subject also."

"I have no doubt of that. But what are they?"

"Briefly, this. That chap that was around with Doctor Harris and Captain De Lage—confound it I never can think of his name—— Oh, yes, Cambon, is now out of the country, nobody knows where. So I thought at first it would be best to let him be the goat. But on second thought I reflected that he used to be around a lot with Crosby here, and so it wouldn't do to use him. I don't know or care whether he was in on the deal. I think he was. I sometimes thought that De Lage might be in on it, too, though of course not mixed up with the actual murder and loot. I mistrust all these foreign military men. However, that's neither here nor there. We must forget Cambon, because he was too close to Crosby and had been seen in the office, and we must let Lopez be the goat. Lopez is down in Mexico, out of the way, and if luck is with us some greaser has put a bullet through him before now. Anyhow, they can't get at him, so he makes a perfectly useable goat."

"But Lopez was thick with Cortez, and Crosby knew him."

"Of course. But of course also we don't intend

to name him. Lopez is only the unknown person—probably a representative of the Mexican government—who made the finger-print and stole the papers.

"Do you see? He stole Cortez's silent-shooting gun either from Cortez (if Cortez will stand for that—find out about that to-morrow) or from the man Cortez loaned it to.

"He learned about Theobold having the patent and specifications of this gun, but he didn't care so much about that as he did about the patents and specifications of the apparatus that Doctor Harris and Captain De Lage were working on and by way of selling to the French Government, and he knew that these also were in Theobold's safe. So he went after them. And he got them—killing Theobold, and incidentally leaving his finger-print.

"The fact that the police haven't been able to find the man who did leave the finger-print is of course our trump card. And the fact that some of the papers—not the most important ones—were mailed to Cortez—if that is a fact—fits in with our theory, which is that the murderer wished to make it appear that what he had done was really the work of Cortez. He wanted not only to steal Cortez's weapon, and sell it to the Mexican Govern-

ment, but he wanted Cortez himself out of the way so that he could have plain sailing."

"And what about Crosby?"

"I am coming to that. That represents our most difficult problem, I admit, but I think we can handle it, or at least make a plausible bluff at it. Crosby, of course, declares that he will go on the witness stand and convince the jury that he is telling the absolute truth when he says that he saw and heard nothing."

"He will insist on it, Aleck."

"Well, if we can't help it, we'll let him go on. Then we will bring forward about four good experts in the field of nervous and mental aberration to show that Crosby is a very impressionable and susceptible man, of highly nervous organization, who would probably be thrown into a hypnotic trance if, while he was in a state of great mental excitement—very angry, for example—a man were suddenly and unexpectedly to appear before him and point a pistol in his face. If, then, the man with a pistol commanded him to sit down and keep quiet, and to remain there at work until someone called him, he would probably do exactly as bidden. And he would remember nothing that happened during this period. A person in a hypnotic trance forgets everything, you know.

He probably would not even remember seeing the man with a pistol that threw him into the trance."

"Great Scott, Aleck! I'll admit you can prove to any jury that black is white and the moon is made of green cheese and that water runs uphill, but I don't see how you can hope to get away with a story like that."

"Man alive, you can get away with pretty nearly any story when you introduce a lot of talk about occult mental conditions and support your talk with the testimony of the brain-sharps who lug in gabble about 'brain-storm,' 'moral-idiocy,' 'sub-conscious aberration,' and 'temporary dis-association of the subliminal self,' and stuff like that. The jury doesn't pretend to understand what is being said, of course, and in the end they strike a compromise between the rival experts by eliminating all, and deciding the matter according to common sense.

"The District Attorney is going to make the mistake of putting forward the hypothesis that Crosby was accessory to a cold-blooded and pre-meditated plot to murder and rob. The jury will hate to believe it when they look at Crosby him-self with his fine, open countenance and his clear, honest eye, and look also at the sad and appealing face of the woman who loves him, who will be right

there in evidence; but unless we can raise in their minds a doubt as to whether Crosby may not have been mentally oblivious even though physically present while the thing was being done, they've simply got to convict him whether they want to or not.

"The brain-sharps with their psycho-analytical twaddle befogging the atmosphere furnish the only means of raising the doubt that might save him. I don't feel too sure that they can do it. But there isn't any other way. Unless something unprecedented turns up at the trial in our favour—and Heaven knows I don't expect it—I can't see that we have a gambling chance except along the line of some such story as I have just outlined."

"I am afraid we haven't anything better than a mighty long shot, even at that."

"Forget it, man, forget it. Where is the optimism you were parading so freely a little while ago? A game is never lost until the last court's heard from. Don't forget that we have one other asset—the fact that Theobold was the kind of man that needed killing. He was a blatant old fraud, with his pretended philanthropies; and he got the long end of it every time—with Doctor Harris and De Lage, for example, just the same as with Cortez."

"But we can't get that before the jury."

"The jury will know it, and you can bet they will be human enough to consider it, law or no law. Their sympathies will be with the prisoners at the bar from the outset. I wouldn't be surprised if we get a hung jury. And if we don't, I'll bet even money we win on the appeal, and two to one that neither Crosby nor Cortez goes to the chair within two years."

"No takers," said the junior partner. "Who ever knew a convicted murderer to go to the chair inside of two years in New York?"

"Well, make it three years."

"That's a little less of a jug-handled proposition, but even at that you're fairly safe. I have often thought of starting a life-insurance society to take three-year risks on convicted murderers for a small premium. But what have you got up your sleeve, Aleck?"

"The ace of trumps. I just learned to-day that Cortez is pretty sure to get a good little stake out of the Mexicans for that pistol invention, and of course Crosby is in on the divvy. Then it begins to look as if Cortez's claim that Harris and De Lage infringed his patent would be allowed, and in that event Cortez and Crosby will come in for a big chunk of that French money also. A

cool three million between the two deals, I should say."

"Enough said! Go no farther. If there is that much money in sight, I'll lay you a hundred to ten that neither of the boys goes to the chair within five years, even though they both are convicted next month."

The senior partner laughed, and winked knowingly as he began fumbling with some papers on the desk.

"No takers, Bob," he said. "No takers. By the way, Bob, a nice ethical profession the practice of criminal law—isn't it now?"

"It suits me all right—so long as we have clients with a wad like that," said the junior partner. "Suits me down to the ground."

Chapter XVI

The Case for the Prosecution

SEÑORA Cortez and Cynthia Collins had become close friends during the long and trying days when the husband of one and the fiancé of the other were waiting there in the Tombs for the trial that must either vindicate them and send them out free men or pronounce their lives forfeit to the State.

Jack Henley, boy though he was, had been a stalwart friend to both women. Having been a boy in the office with two such capable persons as Frank Crosby and Cynthia Collins, he had naturally entertained from the outset a very great admiration for them both. This admiration had ripened into closer friendship than usually exists between a boy of fourteen and his elders. And now that his friends were in trouble, he left no stone unturned to do them a service.

He believed absolutely in the innocence of Frank Crosby. Yet he realized that the evidence against him was very damaging, and, to his in-

tense regret, he had been unable to find the slightest clue to any solution of the mystery that would tend to clear his friend.

As for Señor Cortez, Jack was not quite so sure. But Señora Cortez, he had conceived a kind of romantic affection for Señora Cortez. The sort a youth of that age usually entertains, at one time or another, for some woman ten years his senior. And could he have dreamed how well he was presently to serve her, his cup of contentment would have reached the brim.

But as it was, in the face of what he knew of the evidence, and the confident published assurance that came from the District Attorney's office, he found no hope, when he thought of Señor Cortez.

"He must be guilty," Jack said in the course of one of the endless discussions that he had with Cynthia Collins. "The evidence is all against him."

"Yet Señora Cortez believes in him just as we believe in Frank. Don't you think there may be some terrible mistake? We must try to believe in him, Jack. For the Señora's sake, just as she tries to believe in Frank. Of course she never says anything, but I feel that in her heart she thinks that Frank knows things about it that he won't tell."

"I know she does, though she always speaks so nicely about it."

"Oh, Jack, if even our friends feel that way, what can we expect of a jury made up of strangers.?"

About the only response that Jack could find was his oft-reiterated: "It's bound to come out all right, Miss Cynthia. It's got to come out all right." But as time went on he seemed to say this with less confidence, and with a face that betokened growing apprehension.

There was every evidence of mental strain in the faces of the boy and the two women as they sat together in the court room that November morning when the case against Emanuel Cortez and Frank Crosby was called for trial.

The trial opened with the usual bickerings over the selection of a jury, in which the effort seemed to be made, according to custom, to eliminate all persons who had intelligence enough to have formed an opinion. Nevertheless, despite these efforts, a fairly representative body of twelve citizens was finally selected.

David Webster at last arose to outline the case for the State, preparatory to calling witnesses. He made a very clear, candid, straightforward statement as to what the State believed itself able to prove, summarizing the contentions and argu-

ments and facts on which the State rested its allegation that Emanuel Cortez and Frank Crosby had conspired and associated, in common with at least one other person, unknown to the prosecution, to bring about by felonious means the death of John Theobold.

"Gentlemen of the jury," said Webster, "let me first outline for you the case of the State against Emanuel Cortez, by whom, as the State will attempt to demonstrate, the fatal shot was fired.

"First a brief recital of facts. On the morning of July 8th, Cortez came to New York on a Long Island train that is due at the Pennsylvania Station at 9:56, but which, as will be proved by records of the company, was six minutes late, arriving at 10:02. About four minutes are required to walk from the station to the office that Cortez occupied in a building on Broadway. He could, therefore, have been in his office at 10:06.

"The murder occurred, as we shall be able to prove to you by conclusive evidence, about two minutes later.

"We shall show you that at just about the moment when Cortez arrived in his office, his wife, Señora Celeste Cortez, was with Mr. Theobold in his office, and stood for a few moments looking out on the crowds that were watching the air-

plane, piloted by one Sylvia Lawson, who was flying over with the alleged purpose of giving New York a lesson in preparedness.

"It is alleged by the State, and is not denied, that when Theobold escorted Señora Cortez to the door of his office there was no one in the outer office but Frank Crosby, one of the defendants here on trial."

The speaker turned to indicate Crosby, who sat staring straight ahead, his eyes seemingly fixed on vacancy, and who gave no evidence of having heard his name mentioned.

"Theobold returned to his office, paused a moment or two at the window, turned, and seated himself at his desk, and took up the telephone receiver to answer a call. He spoke a few words in response to his wife, who was at the other end of the wire, and then was struck by the assassin's bullet. He dropped the receiver, turned in his chair, reeled, and toppled forward by the window, dead.

"It is the contention of the State that Emanuel Cortez, from his own window, aimed a shot with a revolver, which will be produced here in court, with such accuracy that no second shot was required, although he stood there ready to deliver a second and subsequent shots had not the first one proved effective."

Webster paused, turned slowly, and pointed to Cortez, who returned his gaze for a moment, and then averted his eyes.

"Gentlemen, no one saw Cortez deliver that shot. But that was not strange, for all eyes were directed toward the airplane, and doubtless he stood for only a moment at the window. No one heard the shot, but that was not strange, for the air was resonant with the clamour of imitation bombs and torpedoes. Moreover, it is probable that the pistol was equipped with a silencer known to have been invented by Cortez himself, about which you will hear more as we proceed. Neither, gentlemen, did any one see the dead man fall. But there in his office he was found dead none the less.

"And in the office of Cortez was found the damaging evidence of the revolver with which the deed was done. The assassin had taken the precaution to remove not only the discharged shell but the other cartridges from the weapon, and to clean the barrel carefully. But he made the fatal mistake of leaving in his desk the weapon itself.

"Of course he did not anticipate discovery. The criminal never does. He did not for a moment think that suspicion would be pointed toward him.

"But when the revolver was found by the representatives of the law, Cortez trembled like a child, and gave every appearance—as will be told by competent witnesses—of full appreciation that his crime had found him out."

Those who were watching Cortez noted that he was whispering vehemently to one of his attorney's, who seemed to respond reassuringly.

"But this is by no means all, gentlemen. In the desk of Cortez, that same morning, was found a letter containing documents stolen from John Theobold's safe. The letter that contained these documents was mailed, as the stamp shows, from a Brooklyn office at 6:30 o'clock on the night of July 8th. Note the hour, gentlemen. There had been time enough for the person who mailed that letter to leave the office of John Theobold at closing time, and go to his home in Brooklyn.

"I would ask you to recall that the home of Frank Crosby, whom the State presents to you as accomplice in the murder, is in Brooklyn. I would then tell you that the envelope in question was addressed to Emanuel Cortez in script which, as competent experts will tell you, is the handwriting of Frank Crosby crudely disguised."

He pointed his hand accusingly at Crosby,

whose keen black eyes now met the eyes of his accuser unflinchingly.

"Here, then, is unequivocal evidence of collusion and complicity between Cortez and Crosby in the commission of the crimes of murder and robbery.

"I may add that it will be shown that Cortez and Crosby had long been acquainted, and that Crosby had more than once been seen dining in the company of Cortez and his wife. The fact of this latter association enters into the case in another connection because it led to jealousy on the part of Crosby's fiancée, Miss Cynthia Collins, on account of his relations with the wife of Cortez, which jealousy was instrumental in leading Miss Collins to accept attention from John Theobold that aroused the rage of Crosby, and actuated him, in part, at least, in conspiring against his employer."

All eyes turned to Miss Collins, who drew her head up defiantly, though her face flushed crimson.

"Now as to the motives that actuated Cortez. As to that, we can speak with full confidence. Criminologists tell us, gentlemen, and their finding accords with common experience, that there are but three motives that impel men to crimes of this character: There is the motive of jealousy, there is the desire for money, and there is the motive of

revenge for some personal wrong, real or imaginary.

"In this case, it will be shown that all three motives have combined. Cortez was jealous of the attention paid his wife by Theobold. I say nothing at the moment, gentlemen, as to what were the actual relations of this woman with the murdered man. That is immaterial, so long as it is shown that these relations were such as to arouse the jealousy of her husband. That such is the case will be shown by the admissions of the woman herself, who does not deny that her husband had become so enraged that he had threatened to kill Theobold—a threat which he carried out in due course, as we shall see.

"Next, as to the second motive—the desire for money. It will be shown that Cortez had invented a device which he regarded as exceedingly valuable, and which, in point of fact, he had sold to a representative of the Mexican Government, the terms of the sale being completed on the afternoon of July 7th, the day before this murder occurred. Theobold had advanced money to enable the inventor to prosecute his study and perfect the mechanism, which had to do with the project of making a pistol both silent and smokeless when discharged.

"Incidentally, gentlemen, you will see how this invention by itself demonstrates the exceptional familiarity of this accused person with firearms. I may add that we shall demonstrate to you that his reputation in Brazil is that of being one of the most expert revolver-shots in a country famed for its marksmen.

"But to proceed with the matter of patents. These were taken out in the name of Cortez, but had been by him assigned to Theobold, in recognition of the obligation incurred through the loan of money to Cortez by Theobold. At the time when the assignment was made, the patents were of doubtful value. But now, thanks to the developments of July 7th, they had become immensely valuable. It was of vital importance, from a financial standpoint, to Cortez that he should secure the patent specifications and accompanying papers in which the assignment had been made which virtually transferred a fortune from his hands to the hands of Theobold."

For a moment the prosecutor seemed to hesitate. He gave a furtive, half-apologetic glance toward the place where a woman in black, with sad face and wistful eyes, sat with handkerchief pressed to her lips. The voice of the attorney was more subdued as he continued:

"Gentlemen, we are here neither to praise nor to asperse the dead. But it does no injustice to the fame of John Theobold to say that he was first, last, and all the time, a business man. The patents that he held had been assigned to him in a legitimate way by Cortez; he had every legal right to them. There was not the remotest probability that he would relax one iota of his legal right without something that appealed to him as adequate compensation. There were but two possible channels through which Cortez could regain those papers, and by regaining them secure the fortune that the papers represented. One of these channels involved the bartering of the honour of his wife; the other involved the crime of murder—with the aid of an accomplice—and that accomplice, of course, could be no other than the private secretary of Theobold, who was in position to aid in the completion of the plan.

"Gentlemen, it is the contention of the State that Cortez is madly in love with his wife, and that she fully reciprocates his affection. The second alternative—murder—seemed to him the lesser evil.

"So he devised a careful plan, based on the known methodical habits of John Theobold, according to which he was to take advantage of the

commotion that would occur when the aviatrix, Sylvia Lawson, made her much-heralded flight on the morning of July 8th.

"He arranged with Crosby that, through initiative of the latter, the only two other persons who were habitually in the private office of John Theobold, namely the stenographer, Cynthia Collins, and the office boy, Jack Henley, should be absent, so that Crosby should have full opportunity to rifle the safe, undisturbed.

"A third accomplice, whom the State, unfortunately, cannot produce, but evidence of whose presence will be demonstrated, was to go to Theobold's office either to guard against unwelcome intruders, or to enable Crosby to do so while he finished the job in the event that Cortez's shot miscarried, or failed to prove immediately fatal.

"This plan worked without a hitch, gentlemen, Cortez shot from his window at the appointed time with unerring aim. Crosby rifled the safe and secured the papers, which that night he mailed to Cortez, directing the envelope with his own hand. The accomplice was there but was not called upon to do violence, since the shot of Cortez had proven effective. Had it been necessary for him to use his own weapon to complete the iniquitous job, it was doubtless the intention that he should then

make a theatrical assault upon Crosby, leave him seemingly unconscious, and himself escape with the papers. If, however, the shot of Cortez proved effective, the accomplice was to leave quietly, Crosby was to be found working at his desk—as indeed he was found—and the theory that Theobold had been killed by a bomb or other object dropped from the airplane was expected to pass muster in explanation of the tragedy.

"I will show you, gentlemen, that this plan all but succeeded. It will be shown that Crosby immediately suggested to the police when they came to the scene of the murder that death had doubtless resulted from the impact of an object dropped from the airplane.

"It will be shown that Crosby maintained, and still maintains, that no one had entered or left the office after the visit of Señora Cortez, with reference to which I shall say more in a moment; and, gentlemen, there would have been no witness to dispute this story, no evidence to gainsay it, but for the occurrence of one of those little accidents that everywhere occur to mar the plans of even the most skilful of criminals.

"The accident, gentlemen, was merely this: As the accomplice who was in the office with Crosby at the moment when the shot was fired by

Cortez stooped over the body of the victim, to make sure that he was dead, his fingers inadvertently splashed into the current of blood that was flowing from the bullet hole, and as he fumbled about the body, turning it to see if the wound had reached a vital spot, his fingers came in contact with an envelope in the victim's inside coat pocket—a long envelope, the end of which projected from the pocket—and left there a telltale finger-print, stamped in the victim's blood, that was to become the crux of the entire solution of what would otherwise have been perhaps an inscrutable murder mystery.

"This finger-print, gentlemen, discovered by the police when they came to examine the body, will be presented here in evidence, and it will demonstrate to you beyond a doubt the presence of an accomplice of Cortez and Crosby, and the falsity of Crosby's contention that no one entered or left the office. By itself, even if unsupported by other evidence, it fixes the crime of complicity in this murder indelibly upon Frank Crosby."

The attorney's voice had risen as he approached this climax, and as he ended, he turned full upon Crosby and, leaning forward, almost touched him with an accusing finger. But when, after an impressive pause, he resumed his speech, his voice

had again taken on its tone of habitual restraint and of persuasive argument rather than of denunciation, as he said:

"It is a little thing, gentlemen, that finger-print; a little thing in itself, but a big thing in its implications. It demonstrates the presence of this accomplice more forcibly than if the man himself had been seen by a dozen witnesses.

"The eye witnesses might have been mistaken as to what particular door the man entered.

"They might have been mistaken as to the exact time.

"They might even, speaking after an interval of a week or two, have been uncertain as to the exact day when they had seen a given man enter a given door.

"But the testimony of this little bloody finger-print is open to no such vagaries of memory or of vision or of misinterpretation. The envelope on which it was made had come in that morning's mail and to this day is fresh and clean save for that imprint. The microscope has shown that the imprint is made in blood. There was no blood at hand with which it could have been made except the blood of John Theobold.

"The finger-print did not make itself. Even the defence will not ask you to believe that it was

made by a ghost or any immaterial agency. It was made by a human being, and that human being came into the office during the brief interval when all its regular occupants, except Frank Crosby, were absent.

"Had the man who made the imprint known that he had made it, or had Crosby suspected such a thing, the entire course of this case would have been utterly different.

"Gentlemen, it was nothing less than a dispensation of Providence that this imprint should have been made, and that it should have been made by accident. It fixed the crime of complicity in the murder of Theobold upon Frank Crosby unequivocally and indelibly; just as the presence of the revolver in the desk of Cortez combined with his known motives and the presence of the stolen documents also in his desk, with sundry attendant circumstances, fixed the crime of principal in the murder indelibly upon Cortez."

Webster glanced from one to the other of the accused men as he named them. Cortez seemed to boil over with excitement, while his attorney sought to pacify him. Crosby was calmly dignified, as if oblivious of the import of the accusing facts.

"One other word as to motive," continued the

prosecutor. "I have said that Cortez was actuated also by a desire for revenge. In proof of this it will be shown by the testimony of business associates of Cortez that he had spoken bitterly on numerous occasions of the treatment he had received from Theobold. He had more than once alleged, when anger made him truthful, that Theobold had taken advantage of his financial need and had robbed him of a potential fortune. In recovering that fortune, therefore, as represented by the papers taken by Crosby from Theobold's safe and sent by him to Cortez, he was not only acquiring the money, but was satisfying his thirst for vengeance."

The attorney paused for a moment, and turned toward Crosby with an impressive gesture.

"Frank Crosby's motive for conspiring to commit this crime may be dismissed with few words. Crosby is known to be madly in love with his office associate, Miss Cynthia Collins. He is known to have resented bitterly the attentions shown Miss Collins by her employer—attentions, gentlemen, that were probably absolutely legitimate, yet which served to arouse the jealousy of this ardent young lover.

"The State will show by the testimony of unprejudiced witnesses, gentlemen, that on the very

morning of this crime, but half an hour before its commission, Crosby and Miss Collins had quarrelled, and he had assailed her with bitter reproaches. The cause of the quarrel is admitted to have been the matter of Theobold's attentions. That Crosby permitted himself to indulge in this violent outburst on that particular morning, and at a moment when important visitors were expected (visitors who, in point of fact, arrived while the quarrel was still in progress), was no doubt due to the overwrought condition of his nerves, induced by his guilty knowledge of the impending murder.

"The fact of that quarrel, then, gentlemen, stands not only as proof of Crosby's murderous feeling toward his employer, but as contributory evidence also going to show that he was party to the murder plot.

"The State will put on the witness stand a physician skilled in the modern art of psychoanalysis who will make for you this interpretation of the significance of the fit of temper thus shown by Crosby at the same time that he furnishes you with no less-interesting interpretations of sundry other psychological aspects of the case.

"We might take it for granted, gentlemen, that Crosby, in addition to satisfying his angry jealousy

against Theobold by plotting for his removal, was also to profit in a financial way. But the Law takes nothing for granted, and the State will present positive evidence showing that an arrangement existed between Cortez and Crosby through which the latter was to share in the proceeds of the sale of his invention to the Mexican Government. The man who negotiated that sale had, in point of fact, been introduced to Cortez by Crosby; and the State will produce a letter, found in the desk of Crosby, in which Cortez explicitly agrees to share with Crosby, to the extent of 25 per cent., whatever profits may come to him from the transaction growing out of his introduction.

"I have already stated that said profits would amount to very little unless the papers assigned by Cortez to Theobold could be recovered; but that they would be very significant in case of such recovery.

"It is obvious that there could have been no utility in recovering the papers without first accomplishing the death of Theobold.

"Crosby could indeed have taken them, but their mere possession would have been unavailing so long as Theobold lived to prove that they were his property.

"Here, then, gentlemen, is an elaborate and intricate web of circumstantial evidence wound about these two men, binding them as tightly as if the meshes were made of cables of steel. Thanks to circumstantial evidence alone, the murder of John Theobold is fixed upon Emanuel Cortez and Frank Crosby so unequivocably that no man can doubt it. The mute revolver and no less mute bullet condemn Cortez more convincingly than the tongues of a thousand eye witnesses. The finger-print on one envelope and the handwriting on another reveal the complicity of Crosby more unequivocally than any verbal confession.

"As one considers this evidence, one is led to marvel as to what manner of evidence the defence will have the presumption to offer in alleged rebuttal. Gentlemen, I venture to predict that they will offer nothing that could with propriety be termed evidence. I venture to predict that they will reply solely on an appeal to your sympathies, and that in so doing they will attempt to shield these criminals behind the skirts of two beautiful and innocent women. And because of this belief, I must say a few words to you about the share that these two women, both young and beautiful, have played in this nefarious crime. In particular, I wish to explain and interpret for

you the visit made by Señora Cortez to the office of John Theobold, on the morning of the murder and only a few minutes before the shooting actually occurred."

All eyes turned to Señora Cortez, who, sitting between Jack Henley and Cynthia Collins, seemed to cower and shrink like a beautiful hothouse flower withering beneath a wintry blast. The face of the attorney seemingly did not reassure her, yet it was not unsympathetic in expression, and Webster's voice was kindlier than it had been before as he continued:

"At the outset, gentlemen, let me disabuse your minds of the thought that Señora Cortez had any knowledge of the plot to murder Theobold. The State makes no suggestion that she had such knowledge. She was aware, however, of the business relations that existed between Cortez and Theobold, and she had used her influence in the early day to foster these relations and at a later stage to develop them.

"After it began to be evident that her husband's patent had genuine value, she endeavoured to persuade Theobold to restore the patent to the inventor, or at least to turn back to him a half interest in the invention.

"Undoubtedly she had used her womanly

charms as leverage to influence the mind of Theobold, whose susceptibility to such charms was proverbial. But in so doing she had not overstepped the bounds of decorum. To put the matter bluntly before you, gentlemen, she had not been willing to make the sacrifice that Theobold demanded in recompense for the restitution of those patents.

"It was an open secret, among the friends of John Theobold, that he belonged to that company of financiers who believe that every man has his price—that every woman has her price. Men of that type are willing, when following the dictates of their fancy, to gamble high. In this particular instance there is reason to believe that Theobold was ready to restore the patents to Cortez—for a consideration not measurable in terms of money.

"He was willing to pay even that price for favours that could not be more cheaply obtained.

"There is reason to believe that Señora Cortez wavered, as what good wife might not, knowing her husband's financial needs; but that—like the good woman and loyal wife that she is—she finally put this temptation aside in steadfastly holding to the larger duty.

"It is believed that her visit to Theobold that

morning was to reiterate her decision, and to appeal to his generosity.

"Had she succeeded she probably could not have prevented the crime, for after leaving the office she hurried to the Pennsylvania Station, intending to meet her husband as he came from the train, but she went to a wrong exit and did not discover her mistake until sometime after Cortez had left the station and gone to his office. But in point of fact her mission, as you have just been told, was unsuccessful, and had she met her husband at the station, her message could have served only to fix more firmly in his mind the intention to carry out the crime already planned.

"The State, then, gentlemen, admits—regretfully but candidly admits—that John Theobold had driven a hard bargain with Cortez and that he had sought to drive a yet unkinder one with the Brazilian's unfortunate wife. As representative of the State, I gladly make obeisance to Señora Cortez. She stands before us a woman who nobly strove to aid her husband, and who failed only because the price of success would have been a price that no wife who honours her husband as she honours Cortez can pay. She stands before us a lonely, disconsolate, pathetic figure; but neither her beauty nor the pathos of her

situation must be allowed to delude us into tampering with the scales of justice. Justice is not blind, gentlemen, as is sometimes alleged. Justice is eagle-eyed. But she fixes her eye on facts, on the essentials; she considers the larger issues and the needs of the community as a whole; she pities the individual, but——"

"If it please your Honour, I object to this harangue," broke in the attorney for the defence. "The District Attorney is arguing the case and not outlining the evidence he is to present."

"Objection sustained. The State will kindly reserve its arguments and interpretations until the appropriate time."

Weaver whispered to one of his associates a moment later that he had been careful not to interrupt till just the psychological moment. "The more he slops over, the better it will look for us in the appeal," he commented.

"Gentlemen," continued the representative of the State, "I bow to the decision of the Court, and I apologize for even seeming to suggest that men of your intelligence will be swayed one jot from the evidence by any consideration of false sentiment, let alone of sentimentality. That evidence, gentlemen, as it will now be presented, will demonstrate to your minds beyond the remotest possi-

bility of doubt or equivocation that Emanuel Cortez as principal, and Frank Crosby as accomplice and accessory before and after the fact, are guilty of the cold-blooded and premeditated murder of John Theobold, as charged in the indictment."

As the prosecutor stopped speaking Cortez sprang to his feet, despite the efforts of a man on either side. His face was haggard. His eyes were the eyes of a hunted animal.

"It is a lie!" he screamed. "It is all a lie! I did not shoot Señor Theobold. I——"

Then his lawyers managed to silence him.

Meantime, Frank Crosby sat in moody silence, his eyes fixed on the face of the prosecutor with an expression not pleasant to see. The knotted muscles at his temples showed how firmly his jaws were clenched. His hands, too, were closed so tightly that they were blanched, and his whole form was rigid. Throughout the harangue he had sat as fixedly as a statue, and for some moments after the speech was finished he neither moved nor spoke.

When, finally, he did relax, it was only to turn his head in the direction of Cynthia Collins, to meet her appealing, anguished gaze with a wan smile.

Chapter XVII

Dark Clouds—and a Streak of Silver Lining

IT IS but fair to the prosecution to say that the State, in presenting the case against Cortez and Crosby, brought forward witnesses who seemed adequately to establish every contention made by the Assistant District Attorney in his opening address.

The witnesses included all the persons who have figured in this narrative, together with a company of others who testified as to matters of contributory importance, notably the business relations of Cortez and Theobold on one hand and Crosby on the other, and to the reputation of both Cortez and Crosby for quickness of temper combined with firmness of will and fixity of purpose.

There were also experts in various fields—revolver experts, handwriting experts, medico-psychological experts—who were called to give an interpretation of certain aspects of the facts that the State had placed in evidence, and with whose aid the State professed to expect to place the

guilt of the accused persons entirely beyond controversy.

The first company of experts gave evidence as to the leaded missile that had been found in the safe in Theobold's office.

There were three of these experts, two of them from the police department, and one from the regular army, and all testified that the mass of metal, although now utterly misshapen, had originally been a revolver bullet. The mass had been carefully weighed, and it was found to correspond with the bullets in certain types of cartridges that would fit the revolver found in the desk of Cortez.

The experts were equally unanimous in asserting that a revolver such as Cortez's six-shooter would readily send the ball across the two-hundred-yard space between the buildings in which respectively were the offices of Cortez and Theobold. In answer to cross questions, they admitted that it was a rather wonderful shot, but each of the experts was disposed to think that he himself could duplicate it.

The experts were asked to take up for the edification of the jury the matter of trajectories, explaining that a ball shot from a revolver at the distance in question would have just the requi-

site drop to carry it from the mark indicating where it had impinged on Theobold's desk to the place where it struck the steel wall of the safe—a drop, to be explicit, of four and a quarter inches in the distance of eight feet and nine inches that separated the desk from the safe.

It had been shown by witnesses as to matters of fact that the building in which Cortez's office was located, being a new building, had very few occupants; only three or four others, in point of fact, on the same level on the side of the building facing toward Theobold's office. Careful search had of course been made in each of these offices, with the result of satisfying the police that no one occupied any one of them who so much as knew John Theobold by sight, or had any business dealings with him. Moreover, no vestige of incriminating evidence of any kind had been found in any other office than that of Cortez.

That, of course, was only negative evidence. But the fact that Cortez's window lay in exact vertical plane of the bullet flight (as determined by the points of impact with desk and safe) was a bit of positive evidence that accorded convincingly with the finding of the pistol in Cortez's office. There were, of course, windows above and below in the same vertical plane; but from below

Theobold would not have been visible as he sat at his desk; and the floors above were open lofts occupied by scores of garment workers.

When all the facts were embodied in hypothetical questions, the conclusion seemed evitable, that, in point of fact, the missile that killed John Theobold, and which was here in evidence, was a bullet fired from a revolver entirely similar to or identical with the one belonging to Cortez, and fired from the window of the office of Cortez. The expert testimony seemed to be in harmony with common sense.

"I am afraid there's more truth than poetry in what they say," whispered Mr. Weaver, chief attorney for the defence, to one of his associates, as he listened to the testimony.

But no one who heard his cross examination of the expert a little later would have suspected that he had found the testimony convincing. On the contrary, the sneering tone of his questions seemed to indicate very clearly that he had found the entire presentation ridiculous. Nevertheless, he made no substantial progress toward modifying the direct testimony of the experts; as Jack Henley, who was an interested spectator near at hand, noted with chagrin, if not with surprise.

The simple truth was that Mr. Weaver—

believing his clients to be guilty—had laid out the plans for the defence along the lines of what might be described as expectancy and persistent opposition. He hoped that something might turn up that would give him the cue for effective action; and in default of that he intended to pile up a series of over-ruled objections that might possibly serve him a good turn in the appeal that he of course contemplated making after the conviction of his clients.

With the latter thought in mind he permitted the prosecuting attorney to enter a good many channels of investigation that might not have been entirely pertinent, reserving his objections until he felt pretty sure that the bounds of permissible evidence had been overstepped, and rather hoping that the Court would not sustain the objection, and thus would let the debatable testimony find its way to the Appellate Division, in the ultimate interest of a new trial for his clients.

All this implies looking rather far ahead, but the criminal lawyer who does not look far ahead is not likely to achieve the reputation that Mr. Weaver had acquired.

Taken in its entirety, the testimony presented by the State undoubtedly constituted a very elaborate and convincing body of evidence tend-

ing to sustain the hypothesis of premeditated murder with collusion between the accused persons.

It may be well to summarize the evidence here, by way of introducing some points that have not hitherto been brought before the reader, and to show how very substantial a case the State had been able to present.

First, as to evidence proving that the fatal shot must have come from the window of Cortez, there was presented the following chain of circumstances:

(1) The mark of the bullet in the safe and the mark on the desk establish, of course, the exact vertical plane in which the bullet travelled. This plane, projected, extends directly to the window of Cortez's office.

(2) This office is on the same level as the office of Theobold. No one on a lower level could even see any one sitting at Theobold's desk, where he is known to have sat when shot.

(3) The windows in the three stories above Cortez's office lying in the vertical plane of the bullet's flight, from which windows Theobold at his desk might have been visible, were proved to have been crowded with factory girls who were watching the flight of the airplane. By no possibility, then, could the shot have come from one of these windows, or from the roof above,

which was also crowded with sightseers, without the knowledge of scores of witnesses.

(4) The building in which Cortez's office is located is so high that no building beyond it is visible from the Schuyler Building, so no one could conceivably have seen Theobold as he sat at his desk except from the Cortez building or from an airship.

(5) The airplane was directly above the Schuyler Building, never in a position from which any missile shot from it, other than an exploding bomb, could conceivably have entered Theobold's office; and the experts testified that the missile found in Theobold's safe was not a fragment of a bomb, but a bullet from a large revolver.

All of which amply proved, according to the contention of the State, that the missile which killed John Theobold not only might have come from the window of Emanuel Cortez, but must have come from that window, and could have come from no other place.

In proof that Cortez himself was the person who had fired the bullet, the following evidence was presented:

(1) Cortez admitted being alone in his office at about the time of the murder.

(2) He had in his possession in the office a big

six-shooter which may well have been the murder weapon.

(3) He was known to be a crack shot.

(4) He was jealous of Theobold's attention to his wife.

(5) No one at neighbouring windows heard the fatal shot; and Cortez was the only person known to have a silencer that would make it possible to shoot the revolver from that window without being heard.

(6) He felt that Theobold had wronged him in a business way, and he had threatened to take revenge.

(7) Granted that he secured certain documents, which were found in his possession, he would greatly profit financially by Theobold's death.

(8) He might have seen, and probably did see, his wife standing at the window with Theobold five minutes or less before the shooting.

(9) In his office was found an important document belonging to Theobold and always kept in his safe; said document having been mailed to Cortez by Crosby (or in an envelope directed by Crosby) some hours after the murder.

(10) Cortez showed great terror when interviewed by the police, and in particular when the name of Theobold was mentioned.

(11) Subjected to psycho-analysis by the medical experts, Cortez revealed very suspicious associations of names and ideas; and narrated, when hypnotized, dreams that were interpreted by the experts as being altogether incriminating.

(12) Finally, Cortez had attempted suicide since his detention in the Tombs: and suicide everywhere is considered by criminologists to be equivalent to confession of guilt.

The aggregation of evidence, the State contended, established the guilt of Cortez, as principle in the murder, not only beyond reasonable doubt, but to the point of absolute demonstration.

Meantime, the guilt of Crosby, as an accomplice, was alleged to be demonstrated with equal certainty by the following established facts:

(1) He admitted being alone in the office at the time of the murder, whereas no one could have entered or left Theobold's private room without passing directly beside his desk.

(2) A finger-print on an envelope in the dead man's pocket proved that someone did enter and leave that room at the time of the murder, during the period when no one but Crosby was in the outer office.

(3) Papers missing from the safe must have been taken either by Crosby or the other accom-

plice, and part of these papers were found in the office of Cortez, in an envelope directed in a hand which the experts declared to be the hand of Crosby, crudely disguised.

(4) Crosby was jealous of attentions paid by Theobold to his fiancée, Cynthia Collins, and had made angry protests against these attentions only a few minutes before the murder.

(5) Crosby is known to have been on intimate terms with Cortez and expected to share in the proceeds of the sale of the Cortez patent, the pistol silencer, and had the same motive that Cortez had for securing the papers from Theobold's safe and insuring the permanent silence of Theobold himself.

(6) Crosby had maintained a stubborn silence when submitted to the "third degree" and the tests by psycho-analysis that the experts regard as highly suspicious. To deny guilt absolutely, and stand pat on the bald denial, is regarded by the experts as being, in its way, as characteristic a manifestation of guilt on the part of a person of Crosby's temperament as voluble denials and the attempt at suicide are characteristic of a criminal of the temperament of Cortez.

All of which was held by the State to establish the guilt of Crosby as an accomplice in the mur-

der of John Theobold beyond the shadow of a doubt.

And to meet this mass of evidence, which seemed to pile mountain high the proof of the guilt of his clients, the attorney for the defence contented himself with introducing an objection from time to time at just what he hoped would prove to be the debatable point between the status of permissible evidence and that of impermissible; together with the propounding of questions that he hoped would sound as mysterious and unintelligible to the jurors as they sounded to his own ears while he was phrasing them. In general, the purpose of the defence was to deny every allegation, and trust to luck. Such, at any rate, was the conclusion at which the Assistant District Attorney had arrived after listening for a while to his opponent's objections and to his seemingly inane cross questioning.

The attorney for the State had been somewhat nonplussed, however, at the curious attitude of counsel for the defence toward the experts who testified as to the handwriting of the address on the envelope found, along with the alleged incriminating documents, in the desk of Cortez. The prosecuting attorney may or may not have noticed that Jack Henley had become greatly

excited when these documents were put in evidence, and had beckoned to Mr. Weaver and whispered to him hurriedly for a few minutes. But in any event it was hard to account for the utter nonchalance with which Mr. Weaver regarded—or disregarded—the testimony of the three experts who swore that the address on this envelope was in the handwriting of Frank Crosby.

When, after direct examination of these experts, he had said: "Your witness, Mr. Weaver," that gentleman had replied, "No questions," without so much as raising his voice or looking up from his desk.

Considering the importance of the testimony in question, as one of the two pieces of evidence that seemed to link Crosby inescapably with the crime, such nonchalance was disconcerting to say the least.

The truth was that the words which Jack Henley had whispered into Mr. Weaver's ear had come to him as the first message of hope in connection with the entire trial. He beamed on Robert Warren, his chief associate, as he whispered:

"Well, by Jiminy! That's the first intimation we have had that there is any lining at all in this cloud—silver or otherwise. That's one very

pretty *faux-pas*, and it ought to give us an even chance of a reversal, for Crosby at any rate."

Weaver's mind dwelt always on reversals, following the appeal that was to follow the conviction. Then he hoped for a new trial, and the possibility that some of the evidence would have grown stale. The thought of an acquittal in the first instance did not occur to him as a possibility. Still, of course, there is always a chance that you may sufficiently becloud the issues to misguide the jury and lead to a disagreement. And the fact that the State has gone wrong on one of its important documents furnished, seemingly, at least a little material for the stirring up of befogging issues. Weaver could be depended upon to make the most of this material.

"Bob, I wager five to ten that we get a hung jury on Crosby, on that handwriting evidence," he said, enthusiastically.

"I'll take you," said Warren. Subsequently he explained to one of his associates that he did it just to stimulate Weaver. "Aleck never does his best unless he has a bet up," he explained. "But he knows darned well that he will lose this one. Crosby would get twelve 'guilties' on the first ballot on the finger-print alone."

"Well, you couldn't blame the jury, could you?"

"Heavens, no! The dunderhead admits that he was right there. If he had sense enough to claim that he stepped out in the hall for a few minutes—to mail a letter or anything—there would be a chance for him. But he claims he was right there all the time—doesn't *admit* it merely, but *claims* it. Then he expects them to believe that he saw and heard nothing. Can you beat it?"

"No; but you can match it with the claims and admissions of pretty nearly every other criminal. They always set some simple trap for themselves, and carefully put their foot in it."

"Yes; but Crosby seems like a man of some elemental intelligence."

"Which only shows that you can't always tell how fast an automobile can go by looking at its tonneau."

"Yep; that's about the size of it. Still, I admit that I can't quite make Crosby out," said the junior partner.

Chapter XVIII

The Case for the Defence

NOTWITHSTANDING the perpetual interruptions and objections of the attorneys for the defence, the trial had progressed with almost incredible speed—that is, for New York.

The filling of the jury box had occupied but five days. In only a little more than three weeks the prosecution had completed its case. There had been many witnesses. Even in England, where the criminal courts move with relative celerity, the evidence for the prosecution could scarcely have been presented in less than two or three days. The newspapers congratulated the District Attorney on the speed with which he had brought forward his witnesses and massed the evidence.

Reading between the lines, one could readily understand the consensus of newspaper opinion to be that the testimony had been presented not only expeditiously but effectively; and, indeed, that there could be but one outcome of the trial.

And if such was the general opinion it was shared quite unreservedly by the attorneys for the defence. When the trial opened they felt that they were labouring on a forlorn hope, and now that the State had completed its case, Messrs. Weaver and Warren realized that their worst anticipations had been justified.

"We have got to put on some witnesses as a matter of course," said the senior partner as they sat in their office late in the evening of the day on which the prosecution had been closed. "But what do they amount to? Of course we've got experts just as good as theirs—that is to say, good for nothing. We can put up a bluff about that bomb-dropped-from-the-airplane business, but you couldn't expect a feeble-minded child to believe it. We'll make a holler about a lot of other things, too. I'll work the theory of the silent-gun and the hypnotist murderer to the limit. But it's a feeble bluff. We honestly turned just one trick, and one only, during the entire trial up to date. That's the matter of the letter their hand experts went wrong on. Never knew them to go right on anything, of course. But you can't always prove it. This time we can. And it's the only peg we've got to hang a hat on."

"Yep; I know that. But I know also that it

will look to the jury and all else concerned that there are a whole lot of pegs all around the wall by the time your hypnotic tongue has told about them. I don't know what you'll say, and I guess you don't know. But with the handwriting business to start out with, you'll warm up, and before you are through the jury will feel like acquitting the boys without leaving their seats. I've heard you before, old boy."

"Thanks, Bob, thanks; for those kind words, much thanks. But you'll have a mighty different story to tell after I'm through. I never was up against it before just like I am in this case. There isn't a shadow of a doubt as to the essential facts, and we haven't got any counter facts to throw into the ring. Can't even manufacture any testimony that doesn't look phoney. What the deuce can you say, for example, with that bloody finger-print staring you in the face while the big six-shooter is held at the back of your head; and Cortez so scared you don't dare put him on the witness stand, knowing he'll break down and tell the truth; and Crosby so big a fool that he just sits there and mumbles denials instead of working his imagination? Huh! it makes me tired."

"I know all that, old man. Don't harp on

unpleasant realities. What you are forgetting at the moment—but won't forget to-morrow—is that you have a little queen of spades and a big queen of hearts up your sleeve. A wife and a fiancée. Both of them peacherines. A brunette and a blonde. One small and one large. One dark and one light. Eyes and complexions to suit all tastes. And both undeniably beautiful. Do you need any facts, man, to support a case like that? Go to it, man; go to it. Get your imagination working; prepare a supply of handkerchiefs; and oil your silvery tongue. The hearts of the twelve good men and true will do the rest."

To which the senior partner responded: "Oh, go chase yourself." Then he relapsed into still moodier silence, like a man nursing a grievance that is beyond the reach of remedies.

The junior partner tiptoed from the room, and as he closed the door, the telephone bell rang. The distinguished attorney did not make a move, even to take his feet from the desk.

"Shut up! Whoever you are, I won't answer you. Nothing but bad news has come over that 'phone for a week!"

The outburst seemed to ease his mind, but as the bell continued to ring, he presently took down

the receiver and demanded gruffly: "Well? What's wanted?"

Half a minute later he was sitting bolt upright, leaning eagerly toward the telephone, listening with eyes and mouth wide open, punctuating what he heard with eager ejaculations of: "Yes, yes; go on—What then?—The Lord bless my soul," and the like.

Two or three minutes later the attorney's face looked like a composite picture of the advertisements showing the man who found the right breakfast food, and the one who smoked all the choice brands of cigarettes.

What Weaver heard over the telephone came as a flood of words, almost inchoate, yet crammed full of vital meaning.

The person at the other end of the wire told his story backward, forward, upside down, topsy-turvy, any way and every way, but the lawyer, astounded by its import, was in no mood to wonder at the manner of its telling.

It was left to the trained mind of the attorney to pick out the essentials, give them coherence, mould them into shape, and get them ready for public distribution on the morrow. It took him all night to do this; and in the meantime he had made a tour over to Brooklyn in his car, and another

tour up to 32nd Street, and had spent three or four hours talking with a certain young person whom he advised ultimately to go to bed and endeavour to get a good rest, so that he would be prepared for the exciting developments of the following day.

As to the lawyer himself, no bed for him that night. But he had no need of sleep. The events of the evening had been to him like opium and champagne.

When he came into the courtroom the next morning, he was walking on the air, so he moved very leisurely, and attempted to assume an attitude of dubiousness and an aspect of dejection. He wanted to provide for the full theatrical effect of the surprise he had in store for his friend the prosecuting attorney (who last night had smiled on him condescendingly and almost pityingly) and the jury (who, as he felt well assured, considered the case as good as settled); not to mention the judge, whom he had harassed and angered with his bickerings during the trial.

He continued to simulate lassitude and dejection as he sat at the table while the preliminaries of opening were gone through with.

At the appointed time he arose slowly and walked deliberately to his place before the jury

box, and after pausing for a full half minute to sweep his eyes from judge to jury and from jury to audience and back again to the jury, seeming to scrutinize the face of each of the twelve men with earnest attention, he finally began what was doubtless in some respects the most remarkable, and for his audience the most surprising, address ever heard in a New York courtroom.

"Gentlemen of the jury, this case will become a classic in the annals of criminology. It will go down in history as illustrating how circumstantial evidence, in the hands of a skillful advocate, may serve to build a gallows over an innocent man.

"The prosecution has assured us that circumstantial evidence is the very handmaid of truth. I will show you that it may be the arch advocate of error.

"The prosecution has presented to you a series of alleged facts, the natural deduction from which would be that the two men here on trial are guilty of murder. I freely admit that the evidence has been presented fairly; that no evidence known to the State has been suppressed; that no witness has testified falsely or maliciously; and that every witness has attempted to tell the truth, the whole truth, and nothing but the truth, in compliance with his oath. I freely admit that the evidence

thus amassed seems demonstrative. I know that in your minds, at this moment, the case is as good as closed.

"But, gentlemen, I will show you that nearly every statement that has been presented as an essential fact is not a fact but the antithesis of truth. Paradoxical as this assertion must seem, I shall justify it to your entire satisfaction.

"The prosecution has presented a number of alleged experts, who have testified on matters concerning which they are supposed to have precise and particular knowledge. I believe that these experts have testified honestly, according to their light.

"But I will show you that every essential opinion presented by these experts for your delectation was a false conclusion based on false premises.

"The prosecution claims to have demonstrated to you that Emanuel Cortez and Frank Crosby are guilty of causing the death of John Theobold.

"I will demonstrate to you that neither one of these men had the remotest knowledge of the crime, and that to this hour they have been entirely ignorant of the nature and the author of the murder.

"I will show you that the killing of John Theobold was a cold-blooded and deliberate murder, ac-

complished by a person against whom the finger of suspicion has never been pointed. Yesterday, at this hour, no person in the world except the murderer had any cognizance of the true nature of this crime. Before another twenty-four hours have passed, all the world will know its every detail.

"Gentlemen, you have heard the evidence of the State, and you know that Emanuel Cortez stands accused of firing the shot that killed John Theobold.

"I will present a witness to you who will prove, to your absolute satisfaction, that at the moment when John Theobold lay dead in his office, the life blood oozing from his wound, Emanuel Cortez was on board a train passing under the East River in the direction of New York; a train that did not reach the Pennsylvania Station until after this murder was accomplished.

"This witness will demonstrate to you that the missile that killed John Theobold was neither a revolver bullet nor a fragment of a bomb or other object dropped from an airplane.

"He will prove to you that the assassin was neither in the office of John Theobold nor in the building in which Emanuel Cortez had his office.

"He will tell you where the assassin actually lurked, and what weapon he used.

"And then he will invoke the evidence of the sun to show you a photograph of that weapon and of the murderer who used it.

"More than that, he will project upon the screen a photograph showing the murderer in the very act of committing the crime. I apprehend, gentlemen, that there are not half-a-dozen photographs in existence that show a murderer in the act of slaying his victim. And, among these, the present one is doubtless absolutely unique in that it is not an accidental or surreptitious snapshot, but is a photograph taken with the full knowledge and approval of the assassin himself. This may seem to you incredible, but it is absolutely true.

"Finally, gentlemen, I shall undertake not only to name the murderer, every detail of whose crime has been exposed, but I shall bring him before you in this very courtroom, and point him out to the officers of justice, and commit him to their custody.

"And with that, gentlemen, it will be admitted, I think, that the defence has not only done its full duty to its clients, but has performed a public service in connection with this particular case through the apprehension of one of the most remarkable criminals of our time, and in addition has conferred a measure of benefit on humanity at

large and in perpetuity through having demonstrated the danger of relying on facts gathered with the aid of prejudice, interpreted in the light of preconception, and supported by the false inferences of alleged experts paid to testify in accordance with these preconceptions.

"Circumstantial evidence, gentlemen, will never in future have quite the force or quite the standing in courts of justice that has often been conceded to it in the past; for this case will show how utterly misleading may be a chain of evidence that seems demonstrative; how utterly false may be the testimony given in good faith and interpreted in all honesty—yet woefully misinterpreted.

"Gentlemen, you might well suppose that in carrying out the programme that I have just outlined, clearing my clients absolutely of all taint of crime, and handing over to the law in their stead the real criminal, I should require the aid of a large coterie of witnesses to testify as to matters of fact and opinion.

"Such a company might readily be presented. In this room at the moment about thirty experts are gathered, ready to testify. But I have no need of their services.

"I shall call no alleged experts, although I shall present to you one genuine expert.

"I have told you many things that will be subject of testimony on the part of witnesses. Let me tell you now that all these witnesses are one.

"Gentlemen, I shall call but a single human witness, and that witness a boy of fourteen years, a youth whose acumen—or shall I say common sense—has enabled him to solve a mystery that baffled the keenest of detectives, the most sagacious of experts, and the most learned prosecuting attorneys. His testimony will constitute the most vivid and most compelling demonstration of the triumph of common sense over hypothesis and circumstantial evidence and faulty observation and preconception and misguided expert opinion that was ever presented in a court of justice.

"I call now to the witness stand Master Jack Henley, amateur detective and unofficial expert."

Chapter XIX

Jack Henley as Unofficial Expert

JACK HENLEY stepped briskly to the witness stand. His face was very pale, and it was evident that he was labouring under suppressed excitement. But he had himself well under control.

"With the permission of the Court," said Mr. Weaver, "I will ask that the room be partly darkened—sufficiently to enable the jury to see plainly some pictures that I wish to have projected on the screen."

The request was complied with, and the silence of the courtroom was rendered still more effective by the gloom. But a bracket lamp brought the face of the witness into full relief. Despite its boyishness, the features had the unmistakable outlines of force of character and an earnest frankness that made instant appeal.

"My boy," said Mr. Weaver, "you have on the table beside you an apparatus which, I believe, is

designed to project the enlarged image of any picture placed in it on a screen or on the wall, by process of reflection?"

"Yes, sir."

"I believe you can show two or three pictures at the same time if desired, either side by side or super-imposed one over the other?"

"Yes, sir."

"Who invented and constructed this apparatus?"

"Doctor Harris."

"The same Doctor Harris who was the friend of Mr. Theobold, and who has appeared in this court as a witness, testifying to a telephone conversation that took place with Mrs. Theobold at about the time of Theobold's death?"

"Yes, sir."

"Did you use this apparatus last night to project certain photographs and pictures published in an evening paper, along with certain photographs of your own?"

"Yes, sir."

"Are you an expert photographer?"

"I have taken a lot of pictures, and some of them are pretty good."

"In projecting the pictures last night, with the new apparatus that Doctor Harris made for you,

did you make certain discoveries that seemed to you important?"

"Yes, sir."

"What did you do about it at the time?"

"I telephoned to you, and when you came, I showed you the pictures and told you what I had found."

"Very well. Now I want you to show those pictures to the jury, just as you showed them to me, and tell them about it just as you told me. Don't be nervous, take your own time and tell things in your own way, in answer to my questions. First, I hand you here an envelope with an address written on the outside. Will you please project that on the screen?"

Instantly there appeared on the screen, sharply outlined in letters several inches in height, the inscription: "Mr. Emanuel Cortez, 67 West 31st St., New York City."

Weaver paused for a few moments, to give full opportunity for everyone to scrutinize the inscription intently. Then he turned to the witness.

"Master Jack, do you recognize the handwriting of that inscription?"

"Yes, sir."

"Are you positive?"

"Yes, sir."

"Will you tell the gentlemen of the jury, then, who wrote that inscription?"

"Yes, sir; I wrote it."

"You wrote that inscription? Are you aware that the document from which that writing on the wall is projected—the document you have there in your machine and which you have just held in your hand—is an exhibit put in evidence by the prosecution in this case, and that three of the most distinguished handwriting experts have testified that the inscription was written by Frank Crosby?"

"Yes, sir. But it isn't Mr. Crosby's handwriting, though it looks a good deal like his. It is my writing."

"Can you explain the resemblance? But first, let me ask you to throw up on the wall beside that inscription this other inscription on the paper that I now hand you. There. Gentlemen, the second inscription that you now see lying just beneath the first is in many ways similar. This inscription also is in evidence, at the instance of the prosecution, as representing the normal handwriting of Frank Crosby.

"This is admitted to be Frank Crosby's handwriting, undisguised; and it was the contention of

the State, if you remember, and the contention of the State's experts, that the other inscription—the one shown you there at the top which is on the letter that was mailed to Emanuel Cortez from Brooklyn on the night of July 8th—is disguised, to the extent that the capital 'E' and the capital 'C,' and—in the last line—the capital 'N' are conspicuously modified. Now the present witness testifies that the inscription ascribed to Crosby, and regarded as constituting a most incriminating piece of evidence against both him and Cortez, was not written by Crosby but by the present witness himself. Yet it is obvious that there is a pretty close general resemblance between the two scripts—close enough, indeed, so that men who make a living by deciding matter of life and death on the evidence of handwriting had supposed that the two were written by the same hand. I ask the witness to explain the similarity if he can do so. What about that, Master Jack?"

"Why, you see, I went into Mr. Theobold's office when I was only twelve years old. Mr. Crosby was very kind to me, and did all he could to help me learn things. I didn't write a very good hand, and I knew it was important that I should improve it. I liked Mr. Crosby's writing,

it was so neat and regular, and so I used it as a model and copied sentences out, not trying to follow it exactly, but just getting it so it looked neat and clear like Mr. Crosby's. And so it wouldn't look just exactly like his, as if I tried to imitate him too closely, I used Mr. Theobold's handwriting to give me a copy for the capital letters. You see in the two inscriptions there that the capitals are different. Well, if you'd look at some writings of Mr. Theobold, you'd see that my capitals are a good deal like his."

"Suppose we illustrate that by throwing on the screen a sample of Mr. Theobold's writing. I happen to have here an envelope that he himself had addressed to Cortez. Please project it. Thank you. There; now the matter is pretty obvious. In general, the inscription of the envelope which you say you wrote looks much more like the inscription written by Mr. Crosby than it does like that written by Mr. Theobold. But your capitals are quite similar to Theobold's. In effect, then, now that your handwriting is pretty well formed, it combines the characteristics of the handwriting of John Theobold and the handwriting of Frank Crosby, although it is not identical with either."

"Yes, sir; and I suppose it is natural that the ex-

perts should think the writing was Mr. Crosby's because it is a lot like his; and that they should think it was disguised, because the capitals are so different. I suppose if a fellow wanted to disguise his writing about the most natural thing would be to make the capitals different from what he usually does."

"So the experts appear to think. But it isn't necessary for you to make any suppositions in the matter. You may just answer my questions, and let the gentlemen of the jury do the supposings. To get back to the inscription, which you say is in your writing. When did you write it, where, and under what circumstances?"

"Mr. Theobold called me into his office on the morning of July 8th, right after nine, when he first came in, and took some papers from the safe and put them in this envelope, and sealed it and gave it to me and told me to take it over to Señor Cortez. Then he said Mr. Cortez wouldn't be there at that hour, and told me not to go until I had gone on another errand, up to his house to see Mrs. Theobold. Then I was to take this letter to Mr. Cortez. But Mrs. Theobold wanted me to come right back to the office to bring a parcel for Mr. Theobold. But when I got there everybody was excited, and Mr. Theobold was dead, and I forgot

all about this letter for Señor Cortez until that night after I got home, over in Brooklyn. Then I wrote Mr. Cortez's name on the envelope, and stamped and mailed it."

"I see, and it never occurred to you, I presume, when you mailed this letter, that you were doing something that with the aid of the equipment of a prosecuting attorney's office and a company of handwriting experts might help materially in sending a couple of innocent men to the electric chair?"

"Of course not. I knew the papers were for Señor Cortez, and Mr. Theobold had said it was very important that he should get them at once. I was awfully sorry I had forgotten them, and I thought the best thing was to mail them as soon as I did think of them. I don't often forget things like that, but I was a lot upset about the murder, and naturally everything was all mixed up that day."

"Yes, quite naturally. No one will be surprised, I think, that you should have forgotten about the letter. But tell me, now that you are thinking back to the events of that morning, do you recall anything that Mr. Theobold said to you as he handed you the letter?"

"Yes, sir. He was feeling very jolly that

morning, and he was always very good to me, unless he was cross about something. But this morning he was smiling and whistling, and when he handed me the letter he said: 'Jack, my boy, as you grow older you'll find that there are a lot of things you'll want just because they are hard to get; and the harder to get they are, the more you'll want them. And if people hold off long enough, you'll pay pretty near any price they ask. But they all have their price, Jack; they all have their price. And if you have the price to pay, you'll get the goods.' Then he slapped me on the shoulder, and winked at me, and said—'Just put that in your pipe and smoke it.' Of course I can't remember exactly all the words, but that was about what he said. Anyway, that was what he meant—you can get what you want if you have the money to pay for it. He was always telling me that, and advising me to save up part of my salary, so that when the time did come that I wanted anything a lot, I could get it."

"You gathered from what Mr. Theobold said that he regarded the sending of this envelope of papers to Cortez as a rather important matter?"

"Yes, sir, and he especially told me not to say anything about it to anybody. And I never have until I told you about it when the letter was shown

here in court. I didn't know until then that the letter had anything to do with this case."

"No; that was one of the documents that the police quietly garnered, and that the prosecution kept carefully hidden up its ample sleeve, bringing it out only for the inspection of handwriting experts. However, you, as an unofficial expert, have cleared the matter up. Part at least of the documents stolen from Theobold's safe, about which we have heard so much, are accounted for, and the piece of evidence that held the attention of this court for two days and that seemingly showed guilty connivance between Crosby and Cortez and linked both of them with this crime goes into the scrap heap.

"Very well. Now, if you please, take that exhibit from your lantern, and I will hand you another one. Here it is. Please project this photograph."

Chapter XX

The Witness of the Sun

AN INARTICULATE murmur of surprise or perhaps of horror went through the courtroom as there flashed on the screen the gruesome picture of a man lying on his face, apparently dead, with his arms extended, one of them lying in what seemed a dark pool of blood.

"Master Jack, do you recognize this picture?" asked the attorney.

"Yes, that is Mr. Theobold lying just as he did after he was dead, over there by the window in his office."

"Quite right. The picture is a photograph that is here in evidence, as an exhibit of the prosecution, sworn to have been taken by an orderly who accompanied the ambulance surgeon, who arrived on the scene, according to testimony already in evidence, some six to ten minutes after the alarm was sent out over the telephone from Theobold's office. Now I ask you, Master Jack, to look at that picture attentively, and tell me at what hour

it was taken. Is there anything about the picture that enables you to tell me that positively?"

"Yes, sir."

"Well, then, what was the hour?"

"Precisely at 10 o'clock, sir, Pennsylvania Railroad time."

"Precisely at ten o'clock? You are positive of that? Did you see the picture taken?"

"No, sir. I was not there at the time."

"You were not there? Then how can you say of your own knowledge when the picture was taken? I do not see any clock in the picture, do you?"

"No, sir."

"Then what do you see that enables you to swear that this picture was taken precisely at ten o'clock?"

"Why you see, sir—if you look there at the picture—that there is a streak of light, about half an inch wide, that cuts right across the floor, where the sun shone in at the edge of the curtain at the upper part of the window. You see the whole floor is light there at the right, where the body lies, because the lower half of the window is open. But off at the left, in the shadow made by the curtain, there by the desk, everything is dark except that the streak of light runs over to the corner of the desk, and up against the desk."

"Yes; I see all that. But what about it?"

"Why, you see that the streak of light falls right along the groove in the concrete floor. Of course the streak of light would move across the floor slowly as the sun moves, like the mark on a sun dial, and it falls along that groove, and against the corner of the desk, at precisely ten o'clock in the morning."

"How do you know that?"

"I have another photograph that shows it."

"Is this the photograph?"

"Yes."

"Project it on the screen beside the first one, please. Ah, I see. It shows the same corner of Theobold's office. The body is gone, but the stain of the pool of blood is still there. And the streak of light falls in just the same place as in the other picture, does it?"

"Anybody can see that it does. It runs right along the groove, and against the edge of the desk."

"Who took this picture, and when was it taken?"

"I took it, on the morning of July 9th, the day after the murder."

"At what hour?"

"The clock on the wall, at the top of the picture,

shows the time. You can see that the long hand points exactly to the hour. It is ten o'clock."

"Yes, yes; so it does. But how are we to know that the clock is right?"

"I had set it that very morning, according to my watch, and I had set the watch a few minutes before according to the Pennsylvania clock as I came down the street to the office. Mr. Webster was with me in the office when I set the clock, and he compared it with his watch and said it was right."

"Mr. Webster, the prosecuting attorney here?"

"Yes, sir."

"A fortunate coincidence. Now have you another picture that will show us whether the streak of light there, which runs along the crack in the floor and to the corner of the desk, really moves with the sun, and so marks the time?"

"Yes, sir. I have one taken about ten minutes later on the same morning, from a little different angle, to get in the desk, that shows the shadow on the floor and the clock just the same."

"Is this it? Kindly project it beside the other pictures. Yes. There we have the same streak of light, but it has swung along the floor until it lies—how far should you say beyond the groove?"

"About ten inches or a foot. You can see that

it runs up the middle of the panel on the desk, instead of striking just at the edge. I have noticed that it moves along the floor, there by the desk, about one inch a minute, and you see that the the clock points to ten minutes after ten."

"In effect, then, that streak of light, where the sun shines through the crack between the curtain and the edge of the window sill, is like the shadow on a sun dial, and tells the time, in a general way, with absolute certainty."

"Yes, sir. There can't be much doubt about the sun being right, whether or not the clocks are."

"And when that streak of light falls straight along that groove and up on the edge of the desk, as it does in those first two photographs, it is just ten o'clock in the morning by the sun?"

"Yes, sir, by the sun, and by Pennsylvania Railroad time."

"That first picture would seem to demonstrate, then, that Theobold was lying dead in his office at the moment the sun—and, according to your claim, as substantiated by Mr. Webster, the clock of the Pennsylvania Station—marked the hour of ten. Are you aware, however, that the person who took this photograph has sworn that he labelled it at the moment when it was taken, writing the legend on the film just as you do with yours, and that this

record on the film states that the photograph was taken at seventeen minutes after ten?"

"Yes, I know that, but I can explain it. The clock in the office there was seventeen minutes ahead of time on the morning of July 8th. Mr. Theobold told me of it when he came in that morning, and told me to change it, and to keep it right in future, but not to bother about it then because he was expecting some callers. Then after I got back I didn't think about the clock until the next morning, when I changed it and set it right, as I told you, while Mr. Webster was there. Mr. Webster must remember it, for we spoke about the clock being seventeen minutes fast. So the man who took that first picture made his record all right by the clock; but the clock was wrong."

"Yes. The clock was wrong; but the sun, fortunately, was right. And the sun very kindly left this record on the very film that was labelled 10:17 to show that the picture was really taken at precisely ten o'clock. There you see it, gentlemen of the jury, and your Honour. There you see it, Mr. Webster. There all the world can note the testimony of the sun. On the first photograph, put forward by the States, and authenticated by the State, is the indelible record that saves the life of a man. The witness of the

sun, gentlemen, pointing across the floor there by the foot of the body of John Theobold, like the finger of destiny, marks the hour of ten, and proves irrevocably that at that hour on the morning of July 8th, John Theobold was lying dead.

"Even so. But where, at that very moment was Emanuel Cortez, who is alleged by the State to have fired the bullet which is thus demonstrated to have done its evil work not later than that hour? Why, gentlemen, according to the sworn testimony introduced by the State, and submitted to you as unchallanged—testimony which the defense admits because it is absolutely true—Emanual Cortez was travelling from Long Island on a train that, coming through the East River tunnel, did not reach the Pennsylvania Station until two minutes before ten. He could not have reached his office in less than four minutes, it is conceded by the State; and, indeed, the State fixes the time of his arrival at six minutes after ten, and claims that the shooting took place one or two minutes later, namely at 10:07 or 10:08. It took a certain time, of course, for the discovery of the body, the summoning of the ambulance surgeon, together with the orderly who took the picture, from the New York Hospital, down in Sixteenth Street, In point of fact the State admits that the orderly

was not there to take this picture until at least nine or ten minutes after the death of Theobold.

"It follows—since now we know that the picture was taken at ten o'clock—that Theobold was killed at least ten minutes before ten; therefore he had been dead at least ten or twelve minutes before the train bearing Cortez reached the Pennsylvania Station.

"Here, then, gentlemen, is the demonstration that I promised. In making the demonstration, we have had the aid—the material aid—of the young man there in the witness box. But the demonstration has been made solely with materials furnished by the State, registered by the impartial, the irrefragible, the life-saving testimony of the sun."

Weaver paused, and for a long half minute stood motionless and silent. When finally he spoke he addressed the court.

"Your Honour," he said. "I must ask your indulgence if in presenting this evidence my enthusiasm has led me to transcend the bounds of conventional procedure. The revelations that I intend to bring out with the aid of the witness now on the stand are by no means finished; they are only begun. Yet I submit that, even at this stage, conclusive and demonstrative evidence has

been presented to show that Emanuel Cortez did not shoot John Theobold, because it is physically impossible that he should have done so; and that no shred of evidence or suspicion remains to suggest that Cortez had knowledge of or was connected with this crime, directly or indirectly.

"I ask you, therefore, to interrupt the regular procedure of examination of this witness long enough to instruct the jury to find Emanuel Cortez not guilty, and to clear and exonerate him of all complicity in this crime, without leaving their seats."

"In due course, Mr. Weaver, the Court will make an appropriate charge. But this, as you are aware, is not the time for it. Kindly proceed with the examination of your witness."

"As your Honour directs. I thought only to relieve the minds of my clients at the earliest possible moment from the awful suspense that has hung over them for these past months. But what your Honour has said suffices for that purpose. I shall now proceed to expunge the only remaining bit of evidence that seems to connect my second client, Frank Crosby, with this crime—the matter of the mysterious finger-print."

Chapter XXI

The Finger-Print Mystery

WEAVER turned to the witness, whose face still wore an air of eager expectancy.

"Master Jack, you have heard it testified that one of the most incriminating documents in this case is an envelope, found in Theobold's pocket, on which was impressed a bloody finger-print. Do you know anything about that finger-print—as to when it was made, for example, and by whom, and under what circumstances?"

"Yes, sir."

"Have you a photograph, taken by yourself, that shows the person who made the finger-print while in the very act of making the impression?"

"Yes, sir."

"Have you another photograph that shows the same person again making a finger-print under quite different circumstances, but in the same room where the first finger-print was made?"

"Yes, sir."

"Very well. I will ask you to show them

presently. But first let us examine the famous finger-print itself. How did you come to study it; and when?"

"Well, you see, I had heard a lot about this finger-print but I never saw it, and I never knew just what it was like until a photograph of it was published last night in an evening paper. Then I took the picture out of the paper and threw it up on the screen."

"Ah, that is interesting. Here is the original finger-print itself, introduced as evidence by the State to show that my client was guilty of complicity in murder. Will you please throw that up on the screen? Very good. Rather a gruesome object, isn't it, with its mazes of lines, when you think what it stands for? Now proceed with your story."

"When I threw the picture up on the screen, just like you see it there, I didn't think much about it at first, except what an awful thing it was for Frank that that finger-print was there, and we couldn't any of us tell how it got there, though we knew Frank wasn't guilty and didn't have anything to do with it, and yet we could see that the jury must think that he did unless that finger-print could be explained. And then while I was thinking this, and thinking what a queer-looking

thing it was anyway, I remembered that we all had our finger-prints made in the office the day after the murder, and how Officer McFalcon had got us to make them. And I remembered that he had given me the paper with the prints after he had looked at it and didn't seem to find anything. I had it in my book of photographs, and I got it out and threw it up on the screen beside the finger-print in the paper. But of course I didn't make anything out of it, except that they all looked funny when thrown up that way."

"This is the set of finger-prints you refer to, I believe. Please throw them on the screen for us now. Thank you. By whom did you say these prints were made?"

"By Miss Collins and Captain De Lage and Doctor Harris and Officer McFalcon and me. We just happened to be together in the office."

"You couldn't make anything out of these prints, you say?"

"Not at first. They all looked pretty much alike, with the lines wriggling here and there, and I wondered how anybody could tell anything by studying them. I was thinking all the time, though, what a lot that finger-print meant for Frank and the rest of us. Then I began looking at the picture of the finger-prints from the paper—

the one up there at the left; and comparing it with this set of finger-prints that we had made. And pretty soon it looked to me that the print of one of the little fingers—the one there at the top—was just about like the print that the murderer left. The other fingers were different, I could see that right away. But the print of that little finger at the top looked mighty like the blood print."

"I believe you are right, Master Jack. The two do look alike. What did you do next?"

"Why, then I fixed the pictures so that the print of this little finger and the newspaper picture of the murder print were close together."

"Will you fix them that way now, please? Very good; very good. Go ahead."

"Well, anybody could see that they looked a whole lot alike. I studied one line after another, and compared them back and forth, and I couldn't see the least mite of difference. And than I adjusted the lantern so that the two pictures overlapped and came right together."

"Can you do that for us now?"

"Of course. It's like this. There they are. And you see that when the two slide over each other until they are just the right position, every line of one fits every line of the other, and they look just like a single picture. You wouldn't

know they were both there together. Anybody would think it is just the picture of one finger-print."

"Yes; we can see that. Move them apart again and readjust them. Excellent, excellent. But what does that prove?"

"Why, it proves that both the prints were made by the same finger, doesn't it? Officer McFalcon testified on the stand, and the other expert did, too, that no two finger-prints were just alike in all the world. It seems funny, but they say it's true. And I know that all the finger-prints on this sheet of paper here are different, and that only this one is like the print on the envelope, because I tried them all."

"Try one or two for us now, please. I see. None of the others appears to fit. Yes, I fancy we can all accept this demonstration. Doctor Harris's lantern appears to be a pretty good finger-print expert, just as it was an expert at chronography and handwriting. What did you do next?"

"Why, I couldn't understand it all at first. I was so surprised I couldn't think. Then when I could, I thought of one of the photographs I had taken the day of the murder, and when I looked at that, I began to understand all about it."

"A photograph taken the day of the murder?"

"Yes, sir. I came back from Mrs. Theobold's house as fast as I could, and when I got to the office the room was full of people all examining the body; and of course no one paid any attention to me, and although I was awfully scared, I happened to think that it would be a good time to get a snapshot."

"Have you in your hand the one you took at this time?"

"Yes, sir."

"I will ask you to throw it on the screen in a moment. But first tell me what in particular you see in the picture that is important in the present connection."

"Why, one of the men is leaning over the body, and his hand is holding the lapel of Mr. Theobold's coat in just about the way to bring his fingers against the inside coat pocket. You will see it easily when the picture is thrown on the screen. And then I remembered I had seen this man put his finger into the bullet hole in the back just a moment before, and I remembered that it was his little finger he used—because the hole was small, I suppose. Then it all came over me—why, by golly, he is making that finger-print right now in that picture!"

"And was this man one of the men who had

made their finger-prints on the sheet you are showing now on the screen?"

"Yes, sir."

"Was he the one who made the print at the top of the paper—the one whose little finger-print, as you have just shown us, corresponds with the murder print?"

"Yes, sir."

"Have you another picture of this man making the finger-print that is shown on the top of your set there?"

"Yes, sir. I took it that day while he was making the print. He said I might. I had taken nine pictures before, and I wanted to finish my roll of films, so I could have it developed."

"So you not only have a picture of the man making the so-called murder print, but also the same man making the duplicate print you have just shown us which fits the murder print?"

"Yes, sir."

"One of these photographs you already have in your hand. Is the photograph I now show you the other?"

"Yes, sir."

"Please throw the two photographs on the screen side by side."

A moment later there appeared before the

amazed eyes of the spectators first a picture of John Theobold lying dead in his office, with a man stooping over him; and then a picture obviously of the same man seated at a desk in John Theobold's office with his hand extended and the finger-tips pressed down on a sheet of paper.

Every person in the courtroom must have blinked his eyes and for a moment challenged his own vision. For to the most casual glance it was obvious that the man who stooped over the body in one picture and sat there at the table in the other was—Mel McFalcon, the detective.

The attorney paused for a few moments, to gain the full theatrical effect of these astounding pictures. Then he himself feigned astonishment as he queried:

"Have you understood my question aright, Master Jack? Do you mean to tell me that these are pictures of the man who made the finger-print on the envelope in the dead man's pocket? Do you realize what you are saying? Do you understand that the man shown in those pictures bears the closest possible resemblance to one of the most important witnesses of the State, Officer McFalcon, the famed detective?"

"Yes, I know that. The man in the picture is Officer McFalcon."

"And you make the astonishing statement that it was Officer McFalcon who made the finger-print on the envelope which has served as one of the chief pieces of evidence in this case, and was claimed by the State to fix a crime indelibly on one of the persons here on trial?"

"Well, you see, he didn't know that he did it. He had put his finger in the bullet hole at the back of Mr. Theobold's coat a moment before, and when he was turning over the body, to see where the bullet came out, his finger came against the envelope sticking out of the inside pocket just by accident. He didn't know he did it."

The entire courtroom was breathless as Weaver turned and said:

"Mr. McFalcon, will you please step here?"

The detective, looking utterly dazed, did as he was told.

"Now kindly put your fingers on this pad and make a print with your little finger on this sheet of paper."

Again the detective obeyed. His face was a study.

"Thank you," said the attorney. "Now, Master Jack, please put this finger-print, which has been made here in the presence of the jury, on the screen beside those others. Thank you.

Please superimpose this on the murder print. Do they fit?"

"I think so, sir."

"We can all see that they do. I think Mr. McFalcon himself will accept the demonstration. There can be no possible doubt now as to who made the finger-print that figures so notably in this case."

The stillness of the courtroom was broken by a raucous laugh, followed by an excited whisper. It was Officer Finnigan, whose emotion had made him for a moment oblivious of his surroundings, as he demanded of a neighbour:

"Can ye beat it?"

Then in the same stage whisper he supplied the answer:

"Not in a thousand years, ye can't."

"Order in the Court!" commanded a stern voice, and Finnegan collapsed, his hand clasped over his mouth to control his ill-timed mirth.

As for McFalcon, his face was so red that it shone even in the dim light of the courtroom. For a moment all eyes were upon him, and he seemed fairly to shrivel as he tip-toed back to his seat.

Then Weaver was again the central figure as he turned to the Court and said:

"Your Honour, I submit that this demonstration that the finger-print about which we have heard so much was made not by any criminal or accomplice in crime but by a representative of the Law itself; made inadvertently, it is true, but as a part of no felonious enterprise. This demonstration removes another element of mystery from this case, and in so doing clears away the last bit of evidence that would tend to connect the second of the accused persons, Frank Crosby, with this crime.

"To be sure we have heard something of missing papers, but these are not in evidence, and moreover I promise to explain that aspect of the matter fully in a moment.

"Meantime, I ask the Court to charge the jury that without leaving their seats they shall acquit and exonerate Frank Crosby on the grounds that there is not a scintilla of evidence against him."

"At the proper time the Court will make an appropriate charge, Mr. Weaver. In anticipation of that time, for the relief of the mind of your clients, the Court does not hesitate to say that it accepts the demonstration your witness has given as conclusive and final. I apprehend that the State will offer no objections, for no one can listen to this testimony and be in doubt as to its purpose.

But you have promised other revelations in connection with this case, and while I freely grant that you have accomplished all that can legally be demanded of the defence, in that you have cleared your clients of the crime charged against them, and cleared them absolutely, yet doubtless it will serve the interests of justice, and I do not hesitate to add that it will be a matter of personal gratification to the Court, if you will permit your witness to continue with his revelations.

"I confess that when you put this boy on the stand I was skeptical indeed as to your capacity to fullfil the predictions you had made. But what you have done thus far justifies the expectations that you may fullfil all the terms of your proposal, and reveal to us the character of a crime that yesterday seemed clear as to its main features, but which we had totally misapprehended, and which now seem utterly mysterious. Kindly proceed."

"It is my privilege to do so, your Honour; a privilege not without painful features, as will appear in due course."

Chapter XXII

A Curtain Hole and What It Revealed

THE attorney fumbled for a moment among the papers on the table, and then handed Jack Henley yet another photograph.

"Will you kindly project this on the screen? Thank you. Now will you tell us what it represents, and what inference you draw from it?"

"It is a photograph of a part of the inside of the safe in Mr. Theobold's office, and the blotch there shows where the bullet that killed Mr. Theobold landed on the safe wall, and was flattened out and dropped back to the bottom of the safe."

"What about that whitish spot near the middle of this blotch?"

"Well, that was what caught my eye when I threw up this picture, the night before last, when Doctor Harris gave me the projection machine."

"What did you make of it?"

"I couldn't make anything out of it. In the original photograph it showed only as a little spot, and might have been a speck of anything on the

negative. But it looked kind of odd on the enlargement, and so when I went to the office yesterday morning I thought I would look at the safe and see if that would tell me anything. When I did look carefully I saw, plain as day, even though it was a little dark back in the safe, that there was something peculiar about the dent where the bullet had landed. The light spot in the negative was made by something whitish, and the more I looked at it, the more I saw that it was a round piece of steel or some metal like that, about a quarter of an inch through, and that it had gone right into the metal of the safe, and made it kind of splash around it, the way mud splashes when you drop a pebble into it. Then I recalled seeing a picture of something that looked like that, and that it was a picture of metal that a steel projectile had gone into."

"But you knew that the revolver bullet they found in the safe was made of lead, didn't you?"

"Yes, I knew that it looked like lead, and I supposed it was. But I knew that some bullets are made with steel points, so that they can penetrate anything they hit, and I began to wonder if this wasn't one of those bullets. Only at first I thought it couldn't be because steel-pointed bullets are used only for rifles and not for revolvers.

At that time I supposed that Señor Cortez must have done the shooting, and done it with that big revolver, for everybody said so. But when I began to think about that steel thing in the safe, I wondered if maybe it might have been a rifle bullet."

"What then?"

"Why, I went over and took a look at the place where the bullet hit the desk, there by the telephone, after it went through Mr. Theobold's body; and I found right away, now that I knew what I was looking for, that the mark made by the bullet, when it first hit the edge of the desk, was a narrow groove, a good deal smaller than it would have been if made by the bullet of a big six-shooter. That made me think some more, for of course I knew that a rifle ball may be long and slender, and the steel point in the safe was just about the right size for the bullet that made the groove in the desk."

"That was an interesting discovery. It was odd that the military experts, who had carefully scrutinized the situation, and so learnedly discoursed to us about the revolver bullet, failed to discover these seemingly simple facts. However, now that you have discovered them, what did you do next?"

"Well, I thought at first that it would be a mighty fine thing for Señor Cortez and Señora Cortez, if we could find that it had been a rifle and not a revolver at all. And I wondered if there was anything else I could do to prove that it was a rifle. At first I didn't think of anything except perhaps to have the police examine all the offices over in the building where Señor Cortez's office was to see if any one had a rifle. And then I thought of something else."

"And what was that?"

"Why, I thought about what some of the experts who testified about the revolver bullet had said about trajectories. One of the ways they proved on the witness stand here that it was a revolver bullet that killed Mr. Theobold was by showing that the notch in the desk was four and a half inches higher from the floor than the place in the safe where the bullet landed; and they said that the bullet wouldn't have had a drop like that if it had come from anything but a revolver, because a rifle bullet goes a lot faster and so has what they called a straighter trajectory; and so that if Mr. Cortez had used a rifle—they said—the bullet would have gone more in a line and would have hit the safe higher up."

"Yes, I recall that. And now you thought that

the expert theories about trajectories wouldn't fit in with your rifle-ball theory, and that naturally the experts must be right and you must be wrong?"

"Well, I didn't put it just that way. I was only wondering. Then I began sighting along the line the bullet must have taken, the same as I had seen Mr. McFalcon do. I got back there by the safe, and held my eye just about where the bullet landed, and then looked along the groove in the desk. Well, that line, if you carried it out, went way up in the air clear above the top of the building where Mr. Cortez's office was. Mr. McFalcon saw that, of course, but he said it was accounted for by the drop of the revolver bullet. A revolver ball doesn't go very far, and it has a big curve."

"Yes, the experts told us that. But now as you were sighting along the line that the bullet took, and saw that the line went way up in the air over the top of the building across there, what other thought came to you?"

"Why, all of a sudden I thought, 'Jiminy! what if that was a rifle ball after all, and it came from way up in the air over the top of that building?' You see I just thought that if it was a rifle ball, it must have been one of those long, thin ones that made the dent in the desk, and with a steel point, and that's the kind of ball they use in the

long-distance rifle, and I said: 'Gee! that bullet might have come from way over in Brooklyn somewhere.' Then when I thought of it being way up in the air, I thought of the airplane and I said: 'What if somebody over in Brooklyn was shooting at the airplane, just for a joke, and the bullet came over here and by accident came into the window and killed Mr. Theobold?' And I got awfully excited."

"No wonder. That was enough to excite anybody. But of course your just thinking of that didn't prove anything, except that it *might* have happened that way. What did you do next about it?"

"Why, I looked up, and all of a sudden I noticed a hole in the curtain. And then I looked again at the photograph I had taken that morning when Mr. Theobold was lying dead there, and I saw there was a spot of light at the point where I now noticed the hole."

"Here we have the photograph again. Please throw it on the screen. Ah, yes. I see. It looks like a kind of an oval slit, right near the bottom of the curtain, in the middle."

"Yes, sir. That is it. I had probably seen the hole lots of times before, and I don't suppose I would have noticed it now if I hadn't been think-

ing about the bullet perhaps coming from way up in the air. Well, I saw from the photograph just how far the curtain was pulled down the day Mr. Theobold was shot, and when I placed the curtain there, I saw right away that the hole was just exactly in line with the nick in the desk and the spot where the bullet hit the safe."

"And what did that show?"

"It showed this bullet was not coming in a short curve, but was going pretty straight, although of course falling toward the earth; and the line, when you followed it back, went way up over the building where Señor Cortez's office was. Then I knew it had to be a rifle ball, for if any bullet from the level of Señor Cortez's office had made that hole in the curtain and dropped from there to the nick in the desk, it would have hit the floor long before it got to the place where the safe was."

"Anything else?"

"I studied the hole in the curtain, and found that it was a lot smaller than a bullet hole from a six-shooter would be. It had just nicked the curtain stick, and the groove was narrow like that in the desk. And then I knew there just couldn't be any doubt about it at all. It was a rifle ball that killed Mr. Theobold, and the rifle was fired

from somewhere way over beyond the Cortez building. I was so excited that I was scared."

"No wonder. And what then?"

"Why, then, all of a sudden, I remembered something else."

At this point the Assistant District Attorney was heard to utter a low, sardonic laugh. He leaned toward one of his associates and muttered:

"A fancy bunch of eagle-eyed detectives we had on this job. I wonder they found the corpse."

Chapter XXIII

The Airplane Gun

"PROCEED with your story, Master Jack," said Mr. Weaver. "You say you remember something else? Something that had to do with this bullet or with the rifle?"

"Well, I didn't know. A friend of mine over in Brooklyn—Jimmy Felton—had told me about an airplane gun that was up on the roof of the building where he works, in a little laboratory that was up there. He said a man had this airplane gun, and that it was so fixed that when he touched the button it would swing up in the air and be clamped in position and fired. He said the man fired it at the airplane that was giving a lesson in preparedness. He was up on the roof at the time and saw it through the window. Only he said he guessed the gun wasn't loaded, for it made hardly any smoke and very little noise. He took a snapshot of the gun through a broken windowpane. He had gone up on the roof to take snaps at the air-

plane. He had promised to give me copies of these snapshots. We trade photographs."

"Is the picture I now hand you the snapshot that shows the airplane gun?"

"Yes. The picture, he said, was taken just when the gun was pointed up in the air in the direction of the airplane, and clamped there. After it was fired, it settled back on a pivot and stayed there."

"Please project the picture. Ah, I see. That looks to me like a barrel of a military rifle with the stock removed, pivoted at the base so it could swing up or down. But what do you make of that thing at the end of the barrel?"

"I reckon that is a silencer. In fact, I know it is, for I had seen models of it before, and plans of it. It is a wonderful invention, and it makes it so you can shoot a gun without showing any smoke or making any sound."

"Just one moment, please. There is one point that has not been made clear. You say your boy friend told you that the gun was being fired just at the moment when he took this picture. I don't see any one there to fire the gun; do you?"

"Oh, no. I forgot to tell about that. He said that the man who had the airplane gun had it fixed so he could shoot it from a distance by

touching an electric button. He thought the plan was to have the airplane gun on the top of a house, and then if any airship turned up you could shoot at it from down below by touching a button, which you could have arranged in a bomb-proof room, or anywhere."

"Did he tell you where the man had this electric button arranged with which he could shoot the gun, in this particular case?"

"Yes; he knew, because he saw a man laying the wires and he asked him, and he thought it was a mighty fine idea."

"What was the idea?"

"Why the touch-button was arranged in an office four flights down from the roof, and all they had to do to fire the gun was to touch the button. He thought that the idea must be to have a series of airplane guns arranged for different heights, all connected with electric wires, and these wires going to a central station. Then a man somewhere else could watch for the airplane and signal by telephone just where they were, the way they do down at Sandy Hook when they want to give the range to the guns in the fort. The man with the range-finder, you know, is off at a safe distance, and he telephones his observations, and then the gunners know what to do."

"Was the electric button that fired the airplane gun near a telephone, so that it could be used like that?"

"Yes, sir, of course. There was a telephone right on the desk, so that the inventor could take the message and fire the gun at the same time."

"A very clever device, indeed. But you say your friend told you about this some time ago. Did he tell you the name of the inventor of this interesting apparatus?"

"No; he did not know his name, and he has left the job he had in that building, and anyway it didn't occur to me that there was any reason why I should care to know his name, until I saw this photograph—and then I did know it without asking."

"And when did you see this photograph?"

"Only last night. After I got thinking about these things, and thinking that the airplane gun might have been loaded after all, and might have shot the bullet over here by accident and killed Mr. Theobold. And I hunted Jimmy up, and got the photograph."

"You say that as soon as you saw the photograph you knew who the man was who owned the airplane gun? How was that?"

The entire audience was tense with expectation as Jack answered:

"Why, I recognized the thing there at the end of the gun barrel as a silencer and smoke consumer that a friend of Mr. Theobold's had patented, and that Mr. Theobold was interested in. I remember how the inventor had been in Mr. Theobold's office on the very morning when Mr. Theobold was killed, and that he and I had put our names to a paper as witnesses for the signature of Mr. Theobold himself and Captain De Lage."

"And was there something on those documents that the picture of the airplane gun brought back to your mind?"

"When I saw this picture of the gun, I remembered instantly the picture that was on the documents I signed which showed this silencer and smoke consumer in diagram. I supposed that Captain De Lage was buying this for the French Army."

"And the man whom you know as the inventor also of the airplane gun which is pictured there on the screen is——?"

"Doctor Harris."

"The same Doctor Harris who appeared on the witness stand to testify to an incident that helped establish the time when Mr. Theobold was killed?"

"Yes, sir; the same Doctor Harris."

"What was done with the papers that had been signed by Mr. Theobold and Captain De Lage, and which you and Doctor Harris witnessed, after you had placed your signatures on the document?"

"Captain De Lage put them in his pocket, and took them away with him."

"Did Mr. Theobold make any comment to you with reference to these papers?"

"Yes; he had gone through the hall to the elevator with Doctor Harris and Captain De Lage, and I was just going out, to take the message to Mrs. Theobold, when he met me in the hall, returning. And he said: 'That's the second large deal I've got off my chest this morning, Jack. The other one was just burning money, but I get a cool half million out of turning this trick.'"

"He seemed quite jubilant as he said this?"

"Yes; he was laughing, and he chuckled in a way he had when he was pleased. I remember just how he repeated the words: 'A cool half million,' and then he said: 'Stick to business, Jack. Business brains are what count. Money gives cards and spades to inventive genius, any day.'"

"What did you think he meant by that?"

"I thought he meant that he had got the long end of the bargain, and that it was better to have

his kind of business brain than the ingenius brain of Doctor Harris."

Mr. Weaver paused and seemed to reflect a moment. Then he said, slowly:

"Do you see the Doctor Harris to whom you refer—the inventor of the apparatus which was sold to the French Government through Captain De Lage, and the inventor of the airplane gun of which that is a picture—do you see this Doctor Harris in the room?"

"Yes sir, he is sitting over there by the door."

"Do you also see Captain De Lage?"

"Yes, sir; he is sitting there with Doctor Harris."

Again the attorney paused. Then he turned very deliberately and for a few minutes stood silent, as if meditating.

"Your Honour," he said, presently, "I have been a little in doubt as to whether my duty in this matter extends further than to hand certain evidence in my possession over to the District Attorney. After consideration, however, I think that in justice to my clients I had best say a few words more. I could present detailed evidence for what I am about to say if I chose, but that is not my function; it is the function of the prosecuting attorney in a subsequent case. Now I shall

only give you the outline of the story, that the last element of mystery may be removed from this case, and every lingering suspicion be forever removed from my clients. I shall be very brief.

"First, let me point out that the papers to which the witness has just referred—those which he said were witnessed by himself and by Doctor Harris—and which were taken from the office by Captain De Lage, with the full consent and approval of John Theobold, are the remaining papers that were missed from the safe by Miss Collins, and the absence of which suggested to the prosecution—and indeed must need suggest—the presence of an accomplice in the office at the time of the death of John Theobold. Jack Henley never knew until yesterday that any mystery was attached to the absence of these particular papers. He did know that the transaction represented, in the mind of Mr. Theobold, a half million dollars of profit, as he has told you; but he did not know that the only claim that John Theobold, or his estate, had upon the money to be paid by the French Government for Doctor Harris's invention was established and cited exclusively in the papers that were signed in duplicate that morning, and taken by Captain De Lage, and one of which was to have been

returned within an hour, after receiving the completing signature of the final representative of the French Government.

"But such, your Honour, was the fact. It is a further fact that the paper thus signed in duplicate was never returned to the office of John Theobold, and that to this day Theobold's estate has no scrap of paper showing that it has any claim upon any part of the three quarters of a million dollars that the French Government paid, or promised to pay, through Captain De Lage, to Doctor Harris for this invention.

"And in that fact, your Honour, is to be found the true motive for the murder of John Theobold. The prosecuting attorney, in ascribing an alleged motive to Emanuel Cortez for the murder of John Theobold, of which Cortez is now happily proved absolutely innocent, mentioned the lust for money among these motives. It chances, your Honour, that in making this allegation, the prosecuting attorney was stating a true motive, although he named the wrong individual. It was, in point of fact, lust for money, and that alone, that actuated the murder of John Theobold. An invention had been made which Theobold had financed. The French Government had purchased that invention for three quarters of a million dollars. Theobold

was to have two thirds of the money. But the inventor nursed the idea, during the long months when negotiations for the sale of the invention were under way, that he, rather than the financier, should chiefly have profited by the transaction.

"It is not for me to say, your Honour, whether or not such a conception was justified. Suffice it that the inventor nurtured the idea and brooded over it, until he became filled with envious hatred of John Theobold which, however, he was clever enough to conceal. Meantime, his dissatisfaction was fostered and augmented by the machinations of his associate, Captain De Lage, for his own selfish ends. It was conceived that some scheme might be put into effect whereby Theobold might be deprived of the half million dollars that his contract called for. But neither of the plotters fully trusted the other, and the man who finally perfected the nefarious project that involved the death of Theobold kept his own counsel.

"How the murder project was carried out, you already know. The weapon of its accomplishment is the so-called airplane gun depicted there on the screen before you. This gun, of course, was never intended to be discharged at an airplane, but it was purposely placed where any one who by chance saw it—and the professional associate of the

murderer as well—might suppose that it had this purpose.

"Three or four months before that fateful day of July 8th the potential murderer had taken the exact bearings of the Theobold building, over there near the Pennsylvania Station, from the roof of the office building over in Brooklyn, two and a half miles away, and had adjusted and skilfully aimed, with the aid of a telescope sight, the rifle that you see depicted there, taking off the stock, and adjusting it to a pivot, to make it seem more mysterious, and attaching it to the silencer and smoke consumer that its discharge might not be noticed even should any one be near on the roof at the time.

"All this happened, your Honour—necessarily happened—before the building was erected in which the office of Cortez was located.

"It is more likely, even, that it was the observation of the putting up of that building, as made by the plotter from Theobold's office, that suggested the nefarious project. Necessarily the rifle, in order to carry its death-dealing bullet over the three miles that separated it from Theobold in his office, must point high in the air. Everyone knows that a bullet to travel that distance must rise hundreds of feet above the line of sight. So the fact that a building had been constructed that

effectively shut off the view of Theobold's office from the roof of the building occupied by Harris and De Lage offered no obstacle to the bullet, while at the same time affording what was expected to prove an effective screen against discovery of the method by which the murder was to be carried out.

"Your Honour is aware how nearly successful that project was, and how effectively the presence of the high building just across from Theobold's office prevented police and prosecuting attorney and experts alike from conceiving, even as a remote hypothesis, the real truth of the circumstances, and the true method of the murder.

"And yet in the end, the old maxim that 'murder will out' has been vindicated. With the aid of a bright boy who likes to dabble in photography, and who has a receptive and imaginative mind, we have been able to ferret out the exact sequence of events and to show you precisely how this murder was done.

"In your mind's eye you see the assassin preparing his weapon, selecting a day when the project of an airplane flight over New York would lend itself to his purpose; planning to get possession at just the right moment of the papers that showed Theobold's claim on two thirds of the purchase

money; planning an absolute alibi by being miles away from the scene of the murder; even having at his elbow men who had not the remotest notion of what he was really doing when Mrs. Theobold was called up on the 'phone, and through her it was known that Theobold himself was answering her call.

"Then, knowing that his victim was seated in the appointed chair of execution, the assassin pressed the button, quite unbeknown to his companions, and in a few seconds the electric current and the flying bullet had done their work.

"Such, gentlemen, was the manner in which the murder of John Theobold was accomplished."

Chapter XXIV

"Suicide Is Confession"

FOR a long half minute the attorney paused. A buzz of conversation went about the room, as every man whispered exclamations of astonishment to his neighbour.

Cortez was sitting erect, his face jubilant. Crosby, on the other hand, was almost in collapse, his face for the first time revealing the stress of long-pent emotion. Señora Cortez and Cynthia Collins were sobbing softly in each other's arms.

Jack Henley, his face eager though grave, still sat in the witness chair, his eyes focussed, like those of everyone else, on the face of the attorney.

When Weaver spoke again, it was to repeat the phrase with which he had seemed to complete his speech:

"Such, I say, was the manner in which the murder of John Theobold was accomplished."

Again he paused. Then very deliberately he queried:

"But who was the man who pressed the fatal

button? That, gentlemen, is the only element of mystery that still confronts us.

"From what I have just told you, it is obvious that one man who might profit by the death of Theobold under these circumstances would be Dr. Maximilian Harris, the man who was actually telephoning to Mrs. Theobold at the moment of the murder, and whose message virtually constituted a message of death.

"But, gentlemen, whereas the signal that discharged the gun was undoubtedly sent from the room in which Doctor Harris was telephoning, it does not of necessity follow that the signal was given by Doctor Harris himself. That room had been occupied jointly for a number of months as an office by Doctor Harris and Captain De Lage. At the moment when the message was sent, as you are aware, Captain De Lage was present. So also were two other gentlemen, one of them a representative of the French Government, another a representative of the Italian Government. A stenographer sat at an adjoining desk.

"It would have been a physical possibility for any one of these five persons to have touched the button, pressure on which virtually constituted the act of murder.

"Any one of the four men might conceivably

have profited by the death of Theobold, and three of the men were military men by profession, presumably competent to calculate distances and adjust the weapon, as you see it aimed and adjusted on that photograph on the screen.

"There is no question that there was some sort of collusion among these four men, whereby each was to profit in some measure, legitimate or otherwise, through the sale of the sound-absorber to the foreign government.

"But it does not follow that all the members of this company were parties to or had guilty knowledge of the murderous use of the so-called airplane gun. In point of fact, there is every reason to believe that only one of these men knew what the gun was aimed at, or had the remotest conception of its real mission. That man is, of course, the murderer of John Theobold. He did not trust his companions sufficiently to take them into his confidence. He had no accomplice. Singly and alone he accomplished his nefarious purpose.

"That the final mystery surrounding this murder may be cleared away, it is necessary to name that man. Fortunately I am able to show you a photograph that reveals all four of the men. It appears that this was considered in some sense an historical occasion, and that a photographer had

been sent for, that each of the signers of the document might have a photograph as a souvenir of the occasion. Such a photograph was taken at the very moment when the telephone message was being sent to Mrs. Theobold. In other words, it was taken at the very moment when the murder was committed.

"This, your Honour, is the photograph I promised to show you when I said I would show a picture of the murderer in the very act of committing this crime. Master Henley, will you kindly project this photograph on the screen?"

A moment later there appeared on the screen, beside the picture of the airplane gun, a picture of an office interior showing four men grouped about a desk.

"Gentlemen, you will observe that Doctor Harris, whom you have seen here on the witness stand, is seated at the desk, leaning back in a chair, with the telephone transmitter in his right hand, holding the telephone receiver to his ear with his left hand.

"You observe that Captain De Lage is sitting at his right, at a table that adjoins the desk, and that the Captain's right hand rests on the desk in such a position that it might have pressed a button if a button were located there.

"At Doctor Harris's left sits Major Cambon, a

representative of the French Government, his left hand resting on the edge of the desk.

"Slightly to one side, in the middle of the foreground, stands Captain Gardini, of the Italiain Army. His position is such that he could not have touched a button unless it were on the floor in the centre of the room which hardly seems plausible. I think, therefore, that we may eliminate Captain Gardini from all suspicion of having murdered John Theobold.

"As to Major Cambon, it appears that he had arrived in this country only ten days before July 8th, and we have seen that the murder of Theobold was necessarily planned at least two months before that date—namely, before the high building directly across from the Theobold office was erected. So Major Cambon is also removed from suspicion.

"There remain two men, both of whom were in direct communication with Theobold, both of whom would profit by his death under the circumstances, both of whom had occupied the office, from which the murder message was sent, for more than three months, both of whom were familiar with range-findings and with the sighting of a rifle.

"In the picture, one of these men, as you see,

sits with both hands engaged where seemingly they could not touch an electric button; the other has his hand where it might be used for such a purpose.

"But, gentlemen, I must call your attention to one fact that hitherto I have not mentioned: The button that sent the message that caused the discharge of the gun and brought about John Theobold's death was not placed in an ordinary location, but was adjusted in the floor of the office, where it could be operated with the foot. You will note that the feet of Doctor Harris were under his desk and those of Captain De Lage under the adjoining table.

"Everything depends, gentlemen, on the question whether that button was located under the desk or under the table.

"And as to that question, gentlemen, I must freely admit that to-day there remains no direct evidence that will supply an answer, since the wires were removed on the evening of July 8th. The question, nevertheless, shall not go unanswered.

"Fortunately it happens that both of the men are now present in this courtroom. They are sitting together, over by yonder door. One of them, gentlemen, is as innocent of direct complicity in the death of John Theobold as any man

amongst you. The other is the sole plotter of that crime, and the only person living who until yesterday knew how the crime had been committed.

"Gentlemen, the prosecuting attorney has told you that justice is not blind—that she is eagle-eyed. Thank fortune, that statement was true, embedded as it was in a mass of error. Justice is eagle-eyed. For a time in this case it seemed as if her eyes were purposely averted, but now at last she has turned, has scrutinized the field with penetrating vision, and she stands ready to point out the murderer."

As the attorney spoke, he turned slowly until he faced away from the jury, and toward the door at the back of the courtroom where Doctor Harris, the inventor, and Captain De Lage, representative of the French Government, sat together. Slowly he raised his hand until it was extended high in air. Slowly his hand began to descend, one finger rigidly pointing, while he leaned forward as if he would stretch his arm across the courtroom and touch the very brow of the culprit.

Afterward, Weaver admitted that he did not himself know which man to name. But there was no suspicion of doubt or uncertainty in his voice as he shouted:

"Gentlemen, it is my unsought privilege and my painful duty to point out to you the murderer of John Theobold, at once among the most clever and most nefarious and cold-blooded criminals of any age. Yonder he sits. His name, gentlemen, is——"

But the sentence was never finished. Even as the name seemed to poise on the attorney's lips, there was a muttered cry from the back of the courtroom. A figure suddenly arose, and the death-like silence of the courtroom was broken by the spiteful crack of a pistol. The weapon clanged to the floor, and an instant later a limp form pitched forward into the aisle, and lay motionless.

An exclamation of horror went through the audience. A woman or two screamed hysterically. Then again there was tense, awesome silence as the Justice arose from his chair and extended his hands.

"Gentlemen of the jury," he said, "I charge you to find a verdict of not guilty. The prisoners at the bar are exonerated. They are cleared of all complicity in the crime by the most remarkable series of demonstrations that I have ever seen in a courtroom. The thanks of the Court, and of the State of New York, are due to Master Jack Henley, who has given these demonstrations. The

apologies of the Court and the State are due to Emanuel Cortez and to Frank Crosby for the gross injustice done them when their names were in any way associated with the crime for which they were indicted. Unfortunately, the law gives them no redress. Beyond the expression of regret, we can offer them no reparation."

The Justice paused to attend for a moment to the whispered message of a court official who had hurried from the rear of the room. Then, with hand raised almost as if by way of benediction, he continued:

"Gentlemen, the evidence has not only cleared the defendants, but has pointed out the real culprit. Suicide instigated by such evidence assuredly is tantamount to confession. It needs no jury to decide that the murderer of John Theobold is the man who lies there in the aisle, dead by his own hand—the man who in life was Maximilian Harris."

Chapter XXV

A Matter of Fact

ALEXANDER WEAVER held a levee in the courtroom at the close of that memorable trial; and a more extended one at his office half an hour later. He received with at least a show of modesty the congratulations of his lawyer friends on what they pronounced the most spectacular triumph of his career. But it was obvious that he was under great nervous tension from lack of sleep and the intense excitement incident to the trial, and presently he began to realize that he was dead tired. So he slipped away from his admiring friends, leaving the junior partner to do the honours. That night, acting on the advice of his physician, he took a train for the Adirondacks.

He remained in the mountains two weeks, and came back feeling fit as a fiddle. The junior partner met him at the station and gave him a condensed account of matters and of things at the office, but no mention was made of the Theobold

case until the two lawyers were alone in Mr. Weaver's library. Then the senior partner, smiling benevolently on his protégé, remarked with seeming casualness:

"Well, Bob, what did you think of it?"

"It was a great demonstration, Aleck. The slickest thing ever seen in a courtroom. You made a bomb-proof demonstration, and the whole town has been talking about it ever since. And not a mortal has ever suspected that it was all bunk."

"Bunk? What the deuce do you mean? Everything I showed was clear, unequivocal facts. You know that as well as I do."

"I know that you think so. But I also know that a good share of your facts were of the Josh Billings type—things that ain't so. You demonstrated the guilt of a man who had nothing to do with the murder. And I've had to wait two weeks to tell you what actually happened. I didn't dare write it for fear the letter might go astray."

The senior partner scrutinized his companion with an expression of half-bored wonderment.

"What's the joke?" he queried, presently. "You say my demonstration didn't demonstrate. It caused the fellow to kill himself, didn't it? Isn't suicide confession?"

"Confession? Yes; but in this case not a confession of murder. Harris killed himself because he was a German spy, and saw that the jig was up. He had papers on his person and in his office that were absolutely incriminating. He saw there was no chance for a getaway, and he didn't want to be taken over to Paris to duplicate the experience of Bolo Pasha. So he appointed himself to be his own firing squad. But he had nothing whatever to do with the murder of Theobold."

The senior partner's expression graded from wonderment to solicitude as he scrutinized his companion for a full half minute before he said:

"Man alive! Are you crazy?"

"No, I am very sane. Let me tell you a little story. On the night before your coup, just as you were starting uptown to get your fancy bunch of photographs and all that, I had a communication myself. It was a note from Crosby, saying he wanted to see me. I went over to the Tombs and—to make a long story short—Crosby ''fessed up' on the whole business."

"Crosby ''fessed up'? What do you mean?"

"Just what I say. The killing of Theobold was the most commonplace murder ever committed, without the remotest element of mystery or complication. Crosby did it. The motive was the

plain, old-fashioned one of jealousy; there was no accomplice; and the murder wasn't premeditated for more than half a minute. Do you recall that Theobold was making a play for Crosby's girl—Miss Collins—and that in escorting the Señora through the office that morning he made a bluff about being able to buy her? Well, Crosby simply saw red at that; and when Theobold came back, he rushed into the office and shot him, with a plain, ordinary pistol—no smoke consumer, no sound consumer—just a hard-shooting little automatic. The joke of it is that you had it figured out like that early in the game—only you thought he used a silencer—and that policeman Finnigan, the stupidest man on the job, doped the thing just about right from the start. Heaven knows it was a simple enough crime. It required skilled detectives and astute prosecuting attorneys and high-brow experts to camouflage the job and make it seem mysterious."

"But hold on! If what you say is true, that pistol must have made a report. Why didn't Mrs. Theobold hear it at the other end of the line?"

"She wasn't there. She had hung up. Theobold's talk with her occurred several minutes earlier, before the Señora came in. Theobold was at the 'phone when he was shot, to be sure, but

he was only trying to get Central, and he couldn't, because the girl at the local central in his main office was up on the roof. There was no one to hear the report except Señora Cortez. She heard it because she had turned back to have another talk with Theobold. She ran right into Crosby as he was coming out with the pistol in his hand. And she took the pistol and made a swift getaway.

"Then before Crosby had time to get his bearings—before he had time even to come out of his trance, to realize clearly what he had done—Miss Collins came in. The rest of the story is ancient history."

"Do you mean to tell me that Crosby confessed all this to you that night?"

"He sure did. He said he couldn't let the case go on because it was evident that Cortez would be convicted; and Cortez had nothing whatever to do with it. Crosby wanted to go on the stand and make a clean breast of it. He said his case was as bad as it could be, anyway, and there was no reason why an innocent man should suffer with him. Of course I rushed back to tell you all about it; but when I managed to run you down I found that you had a lovely solution of the murder all worked out. So I kept mum. I saw it was no time to butt in.

But I wish you could have seen Crosby's face while you were heroically demonstrating his innocence."

The senior partner was silent for several minutes; and the way he manipulated his fingers suggested that he was running over all the evidence to see if anything conflicted with this new solution. He nodded his head reflectively, apparently in acknowledgment that there was nothing in the elaborate structure of evidence inconsistent with Crosby's statement. Then he looked puzzled.

"What about that bullet hole in the curtain?" he queried.

"Just an accidental tear, like ten thousand others. Probably made by a window hook. Or it may have been punched with a file or other blunt instrument, so that the curtain cord could be tied. I went up and looked at it. No rifle ball had anything to do with it."

Again the senior partner meditated.

"Which all goes to show," he said, presently, "that no amount of circumstantial evidence ever *proves* anything. It only shows that things *might* have happened in a certain way. It does not and cannot show that they might not have happened in some other way. But it certainly was lucky for Crosby that he didn't make his confession earlier. By the way, where is he now?"

"Somewhere in Mexico. He's perfectly safe here, of course, but he felt that he wanted to get out of the country. I don't know that I blame him. I fancy the Señora will join him down there. She and Cortez have been at odds for a long time, and I think she always had a fancy for Crosby, even before they had this secret in common. Cortez has gone back to Brazil."

"But what about Crosby and his other girl?"

"Miss Collins? Well, I think she suspected Crosby all along. And I don't think she ever cared a lot for him. She kept up appearances until the trial was over, but I fancy she has had her eye on Captain de Lage for some time back. And speaking of De Lage reminds me. I made some inquiries about that airplane-defence gun which your 'demonstration' showed to be the murder weapon. In reality, it appears to have been just what it purported to be, a gun intended to shoot at airplanes or balloons. Its only peculiarity was that it was adjusted with an electrical device that caused it to move parallel to an aiming apparatus that could be placed at a distance, and in this case was in a room in Doctor Harris's office. Harris demonstrated it, it appears, to the bunch of men who were with him that morning by aiming at the

airplane and discharging the gun automatically. But in point of fact, nothing but blank cartridges were used. Of course the thing was worthless like all of Harris's other inventions, but he apparently thought he might palm it off on some government. The alleged demonstration did occur at about the time when Theobold was killed, because the airplane was going over at that time; but that was a mere coincidence. Harris's activities that morning and the death of Theobold were utterly unrelated."

For the ensuing five minutes or so the senior partner sat stock still except that his hands occasionally moved as if to emphasize points in his mental soliloquy. Then he waved both hands and shrugged his shoulders as if to dismiss the subject for all time, and laughed as he avowed:

"Well, I saved the necks of our precious clients, anyway."

"You sure did, Aleck; and that, after all, is what a lawyer is for."

"And no one can deny that it was a lovely and most logical demonstration. Moreover, it appears that I did clear Cortez legitimately; and the fingerprint trick I turned against McFalcon was authentic. Besides which, I appear to have bagged a German spy on the side. And incidentally you

tell me that Cortez paid us a very decent fee. Not a bad morning's work, after all."

"Right you are," acquiesced the junior partner with enthusiasm.

THE END

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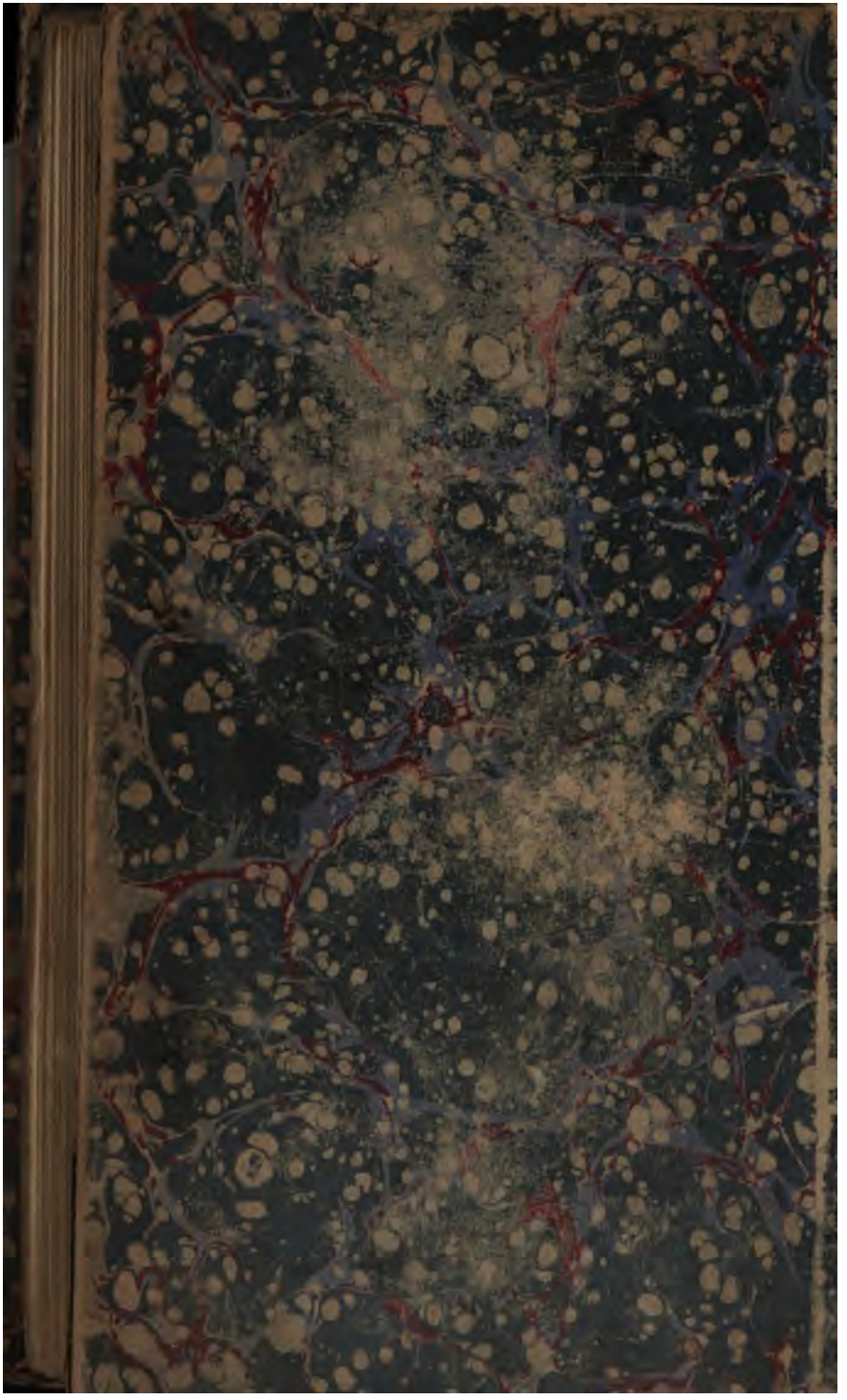
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